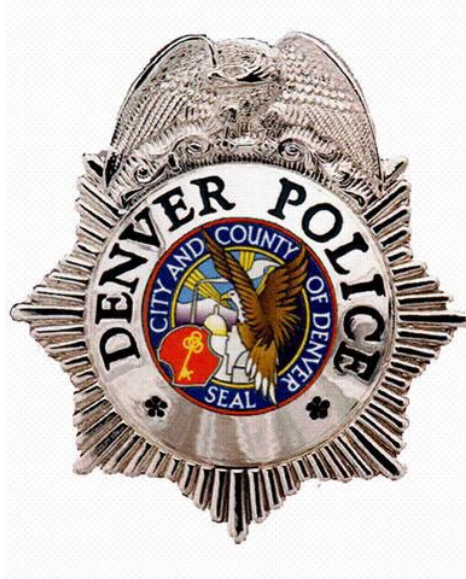


2022

DENVER POLICE LIEUTENANT
EXAMINATION



Study Material
For
Multiple-Choice Exam

Note: Focus on the materials indicated on the Reading List.

information, including but not limited to written documentation, PAS reviews, performance improvement plans, and other pertinent information is provided to the new supervisor for successful completion of improvement processes.

4.46 INAPPROPRIATE FAMILIARITIES WITH SUBORDINATES:

Not indulge in inappropriate familiarities with subordinates.

4.47 LAXITY AND INDIFFERENCE BY SUBORDINATES:

Not permit laxity and indifference to be shown by their personnel in the performance of their duties.

4.48 SERVICE OF SUBPOENAS:

When the responsibility is delegated to them, ensure that prompt personal service and proper returns are made on all applicable summonses, subpoenas, writs, and other official papers. They will direct personnel under their supervision to access and use the on-line subpoena system for all subpoenas not personally delivered or served.

5.00 GENERAL DUTIES AND RESPONSIBILITIES OF COMMAND OFFICERS (SWORN RANK OF LIEUTENANT OR HIGHER)

SOME OF THE FOLLOWING DUTIES AND RESPONSIBILITIES ARE NOT APPLICABLE TO ALL COMMAND OFFICER ASSIGNMENTS.

IN ADDITION TO THE DUTIES OF SWORN OFFICERS AND SUPERVISORS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS), COMMAND OFFICERS WILL:

5.01 MISSION, VISION AND VALUES

Be guided by the mission, vision, values, and goals of the department as the foundation for their decision making, management, and leadership of their commands.

5.02 DIRECT SUPERVISION AND CONTROL OVER OFFICERS AND CS EMPLOYEES:

Subject to the orders of the Chief of Police and their immediate supervisor, be responsible for direct supervision and control over all officers and CS employees assigned to their command. They are responsible for efficiency and effectiveness, and will coordinate the functions and activities of units under their command. They will promote harmony among their personnel and are responsible for the cooperation of their command with all other divisions, bureaus, districts, sections, and units.

5.03 DELEGATION DURING ABSENCE:

Ensure that during their absence, a competent officer (generally holding the next highest grade) will assume temporary command within their district, bureau, shift, section, or unit.

5.04 ASSIGNMENT OF OFFICERS:

Without specific instructions establish or cause to be established the required details and assignments necessary to carry out the functions of their command. They will be guided by the number of available officers and necessity for assigning officers where they will be the most useful and efficient. They will approve period details to assure that they are adequately supervised and that the assignments are properly filled.

5.05 MAKING ACTING ASSIGNMENTS:

Assign an officer temporarily to the duties of an employee of higher grade as needed.

5.06 COMPLIANCE WITH OPERATIONS MANUAL:

Not countermand the operations manual without sufficient reason.

5.07 RESPONSE TO EMERGENCIES OR SERIOUS/UNUSUAL OCCURRENCES:

When on-duty or on-call and notified, respond to any emergency or occurrence of a significantly serious

or unusual nature within their area of responsibility, in accordance with the operations manual. If their presence at the office would be of more value, they will ensure a subordinate officer takes command at the scene. They will also, whenever possible, respond when their personnel are involved in controversy or serious occurrence.

5.08 SERVICE OF SUBPOENAS:

Be responsible for, or delegate the prompt service of all hard copy official notices of subpoenas to subordinates which may be sent to them by proper authority.

5.09 RESPONSIBILITY FOR FACILITIES AND EQUIPMENT:

Be responsible for the good order and sanitary condition of departmental buildings and resources within their command. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued or assigned to personnel of their command.

5.10 PROBATIONARY OFFICER PERFORMANCE EVALUATIONS:

Ensure that first line supervisors have created an evaluation for each probationary officer and are making at least one journal entry per work period. Concerns about performance or suitability of the probationary officer for continued employment will be documented within the performance evaluation system and the commanding officer's immediate supervisor will be kept informed.

5.11 ANALYSIS OF CRIMINAL, TRAFFIC AND OTHER TRENDS:

Be responsible for analysis of criminal, traffic and other trends, and evaluating the effectiveness of techniques and procedures used to address such issues within their area of responsibility.

5.12 CORRESPONDENCE, REPORTS AND RECORDS:

Be responsible for preparation of required correspondence, reports, and maintenance of records relating to the activities of their command.

5.13 PREPARING FOR ANNEXATIONS:

Upon receiving plats of territories to be annexed to the City and County of Denver, review and discuss needs in providing police service to the annexed area. Command officers will make a thorough investigation and analysis to determine challenges and staffing needs to deter crime and provide police service. Issues to be addressed include but are not limited to future police service needs, and acquainting the community in the new areas to be annexed with available police services. A final written report with recommendations will be forwarded through the chain of command to the Chief of Police.

RANK AND ASSIGNMENT SPECIFIC

6.00 DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, PATROL OFFICERS WILL:

6.01 CARRYING OUT DEPARTMENT FUNCTIONS:

Be responsible for carrying out the functions of the department and will constantly direct their best efforts to accomplish that end intelligently and efficiently, in readiness at all times to answer calls for service.

6.02 RESPONSIBILITY FOR ASSIGNED AREA:

- a. Be held accountable for the good order of the district, precinct, or post to which they have been assigned. They will give their whole attention to their duties at all times.
- b. Thoroughly familiarize themselves with their district or precinct, learning the location of streets, alleys, businesses, residential areas, parks, and various other locations and points of interest.
- c. Familiarize themselves with people on their post and in their precinct. When possible they will

situations that may indicate a need for increased patrol or enforcement in specific areas.

10.00 DUTIES AND RESPONSIBILITIES OF SERGEANTS (FIRST LINE SUPERVISOR)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS AND SUPERVISORS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS), SERGEANTS WILL:

10.01 PATROL SECTOR SUPERVISOR:

When assigned as a district sector supervisor, patrol their district, visiting each precinct and post as often as practicable, but not at stated intervals.

10.02 ENSURE PERSONNEL REPORT TO ASSIGNMENTS:

Unless otherwise directed, ensure that all personnel proceed directly to their precincts, posts or details without unnecessary delay.

10.03 VIOLATIONS OF LAW COMMITTED IN PRESENCE:

Not interfere with the routine work of another district, but violations of law committed in their presence will receive their immediate attention when the officer specifically responsible is not present.

10.04 REVIEWING REPORTS AND DATA:

Review General Occurrence (GO) reports and crime analysis data specific to their assignment.

10.05 ASSISTING LIEUTENANTS:

Assist lieutenants with planning by apprising them of personnel issues or situations.

10.06 ACTING DUTIES:

When designated as acting lieutenant, the sergeant will perform the necessary duties of the lieutenant in his/her absence.

11.00 DUTIES AND RESPONSIBILITIES OF LIEUTENANTS (COMMAND RANK)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), LIEUTENANTS WILL:

11.01 ASSISTING COMMANDER OR CAPTAIN:

Under the supervision of a commander or captain, act as an assistant during the commander's or captain's tour of duty. In the absence of a commander or captain, the senior ranking lieutenant will be in charge of the district, bureau, section, or unit unless otherwise directed.

11.02 ACTING DUTIES:

- a. During the prolonged absence of the captain or commander, a lieutenant may be designated as acting captain or commander.
- b. Arrange sergeants' days off and vacation schedules in an attempt to ensure that a sergeant is available to serve in an acting lieutenant capacity when necessary.

11.03 ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:

Complete administrative, supervisory, and operational duties as assigned by their immediate supervisor or superior officers.



104.01 GENERAL ARREST PROCEDURES

ARREST:

A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

Definition from West's Encyclopedia of American Law, edition 2. Copyright 2008. The Gale Group, Inc.

The purpose of an arrest is to bring the arrestee before a court or otherwise secure the administration of the law.

Investigatory stops or detentions are not considered arrests but must be limited and temporary, lasting no longer than necessary to carry out the purpose of the stop or detention. An investigatory stop that lasts too long turns into a de facto arrest that must comply with the warrant requirements of the Fourth Amendment. There is no clear line that distinguishes the point at which an investigatory stop becomes a de facto arrest, as courts are reluctant to hamstring the flexibility and discretion of police officers by placing artificial time limitations on the fluid and dynamic nature of their investigations. Rather, the test is whether the detention is temporary and whether the police acted with reasonable dispatch to quickly confirm or dispel the suspicions that initially induced the investigative detention.

(1) ARREST BY PEACE OFFICER. A PEACE OFFICER MAY ARREST A PERSON WHEN:

- a. There is a warrant commanding that such person be arrested; or
- b. Any crime has been or is being committed by such person in the officer's presence; or
- c. There is probable cause to believe that an offense was committed by the person to be arrested. An arrest warrant must be obtained when possible. Officers have the right to make a warrantless arrest when exigent circumstances exist (i.e., urgent, critical or those that require immediate action).
- d. Arrest authority does not extend to officers on suspended status.

(2) ARRESTS – GENERAL GUIDELINES:

- a. All officers will comply with the operations manual and existing procedures or directives governing arrests, use of force, and reporting of the same.
- b. Officers will not make arrests for offenses when a warning or citation would suffice.
- c. Arrest and release – reasons
Individuals may be arrested and subsequently released, without being incarcerated, for reasons that include, but are not limited to the following:
 1. An arrest was made on the mistaken identity of the person.
 2. An arrest warrant has been recalled or previously served without the officer's knowledge.
 3. Subsequent to an arrest but prior to incarceration, the officer determines that probable cause no longer exists to make an arrest.
- d. Arrest and release - procedures
Officers will not place a person under arrest and subsequently release the same individual without fulfilling at least one of the following obligations:
 1. Serve the arrested party with an order-in citation; or
 2. Seek the approval of a higher ranking officer prior to releasing the individual. The approving officer must be satisfied that there are no adequate grounds for criminal

complaint against the arrested person prior to their release. At minimum, the approving officer must be from the rank of lieutenant, or in the absence of an on-duty lieutenant, the officer's sergeant can make the approval but must notify the lieutenant in their chain of command by leaving documentation of the incident for the lieutenant to review. The arrested party, description of the incident and name of the approving command officer will be documented by the arresting officer in the form a street check. Officers will select the appropriate reason code (Released from Custody) when completing the street check. Documentation must be completed prior to end-of-shift.

3. Officers working secondary employment must comply with #2 above and provide the required documentation to the responding on-duty lieutenant or sergeant.

(3) JURISDICTION:

Denver police officers are peace officers within the State of Colorado as described in CRS §16-3-110. Where the department does not have the original jurisdiction, officers will not take enforcement or investigative action on any case except arrests with Denver warrants, exigent/emergency situations such as misdemeanor or felony crimes occurring in their presence, fresh pursuit, or in conjunction with authority granted through a multi-jurisdictional group.

a. Arrest warrants:

Officers will be accompanied by the appropriate jurisdiction when attempting a warrant arrest outside the jurisdictional boundaries of the City and County of Denver.

b. Exigent circumstances:

Denver police officers, who are outside the jurisdiction of the City and County of Denver, upon observing the commission of a misdemeanor or felony, may intervene and detain the suspect. Appropriate discretion will be used when deciding whether to act in such situations. The local law enforcement agency having jurisdiction will immediately be notified and any person arrested will be released to their custody. Denver police officers will complete any reports required by the local law enforcement agency.

c. Fresh Pursuit:

1. Based on CRS §16-3-106, if in fresh pursuit of a suspect (arrest warrant, offense committed in officer's presence, reasonable grounds to believe alleged offender committed offense), police officers may pursue persons across their jurisdictional boundary, and:
 - Arrest the suspect; or
 - Issue a summons and complaint; or
 - Issue a notice of penalty assessment (Not used in Denver)
2. After pursuit and upon an arrest in a county other than Denver, the suspect will be returned and booked in the Denver Detention Center. It is not necessary to have the suspect booked into the jail in the county where apprehended; however, as a matter of courtesy the appropriate agency in the jurisdiction will be notified.
3. Any crime the suspect might have committed while being pursued in another county would be considered a continuing criminal episode, which may be included along with the original charge and tried in Denver County or Denver District Court. See CRS §18-1-202(7)(a).

d. Notification:

1. On-duty Denver police officers making an arrest outside Denver's jurisdiction that does not involve fresh pursuit will as soon as practical report their actions to their supervisor (or suitable designee).

2. Off-duty Denver police officers making any arrest will as soon as practical report their actions to their supervisor (or suitable designee).

(4) MECHANICS OF ARREST CONTROL, SEARCHING AND TRANSPORTING – GUIDANCE:

Reference can be made to the mechanics of arresting, searching, and the transporting of arrestees in the Denver Police Arrest and Control Techniques and Defensive Tactics (ACT) Manual and all relevant training bulletins.

(5) ARREST - WHEN AND HOW MADE (CRS §16-3-101):

- a. An arrest may be made on any day and at any time of the day or night.
- b. All necessary and reasonable force may be used in making an arrest.
- c. All necessary and reasonable force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest. (Federal property arrests: see OMS 104.14)

(6) WARRANTLESS ARRESTS - STATEMENT OF PROBABLE CAUSE REQUIRED:

Whenever a person is arrested and jailed without a warrant, or placed in the Gilliam Youth Services Center, a Statement of Probable Cause (DPD 287) for the arrest must be submitted to the court (see Investigative Hold procedures OMS 104.04). For applicable charges, officers will complete a Unified Summons and Complaint. See OMS 104.03.

(7) ARRESTEE'S RIGHTS:

A person has the right to know for what he/she is being arrested, and to be advised of his/her rights when required (e.g., custodial interrogation).

(8) STOPPING OF SUSPECT (CRS §16-3-103):

A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification. Officers have the right to ask the following:

- a. Name
 - b. Address
- If the person is driving a motor vehicle, officers may ask for:
1. Driver license
 2. Vehicle registration
 3. Proof of insurance
- c. An explanation of the individual's actions (i.e., where they are coming from or going to). The person does not have to reply, but refusal to provide identification is grounds for charging DRMC 38-81(c) Interference with Police Authority. The stopping itself will not constitute an arrest.

(9) IDENTIFICATION OF SUSPECTS – SEE OMS 104.26.

(10) UNAUTHORIZED MOVEMENT OF SUSPECTS:

Do not return detained or arrested suspect(s) to the scene of a crime or allow them to return to their home, room, vehicle, or elsewhere on any pretext without the consent of a supervisory officer. All suspect(s) must be kept separated.

(11) GENERAL RULES REGARDING SEARCHES:

There are rules regarding searches of a person, his/her home, and his/her car. Generally, a police officer may search only (except for certain exigent or emergency situations):

- a. With the person's permission – See OMS 107.01 (12)
- b. With a search warrant – See OMS 107.01
- c. When an arrest is made – see section (13 to 15)

(12) SEARCHING FOR WEAPONS – STOP AND FRISK:

When a peace officer has stopped a person for questioning and reasonably suspects that his/her personal safety requires it, he/she may conduct a limited search, or "FRISK" by patting down the outer clothing for weapons.

- a. If a FRISK reveals what feels like a weapon, he/she may search for and remove it from the clothing. Upon removal of the item, the officer may seize it if it is determined to be:
 1. A weapon
 2. Contraband (Possession of any illegal item)
 3. Stolen goods
- b. If the FRISK reveals an illegal weapon or illegally concealed weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.
- c. At the conclusion of a "stop and frisk", the officer must arrest the person or tell the person that he/she is free to leave and allow them to do so. With the person's consent, officers may still question the individual.
- d. Lawful items temporarily seized for safety reasons during the limited search for weapons will be returned to the person, or in the event of an arrest/custody, or ongoing investigation, will be placed in the Evidence and Property Section.

(13) SEARCHING PERSONS OF THE OPPOSITE GENDER:

- a. State and Federal laws do not require an officer to be the same gender as the person being searched. Situations may occur where an officer may need to search an individual of the opposite gender. Officers must be able to articulate the need to search a person of the opposite gender and are responsible for searching in the prescribed manner. When practical, individuals will be searched by officers of the same gender.
- b. Department personnel will not unnecessarily search any individual, especially those of the opposite gender. Common sense and good judgment must prevail regarding the manner and level of intrusion of a search. If there is an urgent need to search an individual's intimate areas and an officer of the same gender is not present, an officer of the opposite gender is authorized to do so only to remove a weapon. Having an officer of the same gender as the individual conduct the search may or may not be a practical.
- c. Considerations/criteria when deciding whether to search a person of the opposite gender:
 1. Presence and/or immediate availability of an officer of the individual's gender to conduct the search
 2. Type of crime committed
 3. If a weapon used in the commission of the crime
 4. Knowledge that the person is carrying or has carried weapons in the past
 5. Type of clothing worn by the individual (capable of concealing a weapon)
 6. Level of intrusion deemed necessary
 7. Other potential exigencies or factors
 8. General efficiency necessary in handling a given situation
 9. The individual's gender identity
- d. Secondary search:

If necessary to help ensure safety after a search by an officer of the opposite gender, an officer of the same gender as the suspect should as soon as practical conduct an additional search. An individual should not be left unsupervised until after receiving a full search.
- e. Male officer - female individual:

Without specific knowledge or belief that a weapon is positioned, or possibly positioned in an intimate area, the search would be slightly modified:

 1. Front waistband, front pocket (avoiding the groin area)

2. Front stomach area (below the bra), side and arms, back area, back waistband
3. Back pockets, legs
- f. Female officer - male individual:
Without specific knowledge or belief that a weapon is positioned, or possibly positioned in an intimate area, the search would be slightly modified:
 1. Front waistband, front pocket (avoiding the groin area)
 2. Front stomach and chest area, side and arms, back area, back waistband
 3. Back pockets, legs
- g. For transgender individuals - see OMS 104.10

(14) SEARCHES INCIDENT TO ARREST AND TRANSPORT:

- a. Searches incident to arrest:
All individuals taken into custody must be searched for weapons and contraband, while ensuring that it is done in a reasonable and appropriate manner.
- b. Searches following arrest and transport:
 1. After an individual has been arrested, officers will search the scene of the arrest for weapons, contraband, or evidence that may have been concealed, dropped, or thrown away by the arrestee.
 2. After an individual has been transported in a police vehicle, or when transported by scout van and the arresting officer is present when the arrestee is unloaded, the vehicle will be searched by the officer for any weapons or evidence that the suspect may have discarded therein.

(15) HANDCUFFING JUVENILES, THE ELDERLY, OR THOSE WITH AN INTELLECTUAL/DEVELOPMENTAL DISABILITY:

- a. Officers will not handcuff or utilize any other restraint devices on an individual who they reasonably believe is 12 years of age or younger, and should give due regard to the age and physical condition of the arrested person. Exceptions to this include individuals suspected of a felony, or when the officer has a reasonable belief that the person may resist, attempt escape, or is a risk to themselves or others. Officers can also use discretion based on the nature of offense as well as the demeanor, physical ability, and size of the individual.
- b. Other considerations:
 1. Unless one of the above-mentioned considerations is met, individuals being taken into custody for a status offense only will not be handcuffed.
 2. All individuals who are to be taken into custody, regardless of the decision to handcuff, will be searched consistent with OMS 104.01(12-14).
 3. Ultimately, the decision to handcuff rests with the officer on scene. However, the officer will articulate the reason(s) why they chose to handcuff an individual in one of these groups.
 4. Documentation of the decision to handcuff should be noted in the General Occurrence (GO) report or in a street check.

(16) STRIP SEARCHES OR BODY CAVITY SEARCHES - WHEN AUTHORIZED OR PROHIBITED (CRS §16-3-405):

- a. "Strip search" means having an arrestee remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.
- b. No individual arrested for a traffic or a petty offense will be strip searched, prior to arraignment, unless there is a reasonable belief that the individual is concealing a weapon or a controlled substance, or that the individual, upon identification, is a parolee or an offender serving a sentence in any correctional facility in the state or that the individual is arrested for driving while under the influence of drugs.

- c. Any strip search conducted will be performed by an officer of the same sex as the arrestee and on premises where the search cannot be observed by persons not physically conducting the search.
- d. Every officer seeking to conduct a strip search will first obtain the written permission of the police commander or an agent thereof designated for the purpose of authorizing a strip search. A command officer, sergeant, or acting sergeant is delegated the authority to give written permission.
- e. No search of any body cavity other than the mouth will be conducted, without first obtaining a search warrant. In cases where a person is suspected of having secreted narcotics or contraband in a body cavity, assistance will be obtained through Denver 911 from an available or on-call Vice/Narcotics Section supervisor or district narcotics unit supervisor, and the on call deputy district attorney from the Denver District Attorney's Office.
 - 1. Written permission will be required from a police command officer or an agent thereof authorizing the body cavity search.
 - 2. The search must be performed under sanitary conditions and conducted by a licensed physician or nurse.
- f. Written permission for a strip search will be obtained on Strip Search Authorization (DPD 81). The completed form will be retained by the police department and will be maintained in the detective's case filing.

(17) TRANSPORTING ARRESTEES:

- a. Scout van:

The scout van will be used to transport arrestees whenever possible. Juveniles may be transported in the scout van only in an emergency situation with a supervisor's permission.
- b. Police vehicle with cage:

When a police vehicle is used for transport and is equipped with an arrestee cage, all arrestees being transported will be handcuffed and placed within the cage. Arrestees will be secured with a safety restraining device unless, by their resistance or non-cooperation, this is neither practical nor safe for the officer.
- c. Police vehicle without cage:
 - 1. One officer vehicle: When it is necessary or advisable to transport an arrestee in a solo officer car, the handcuffed individual will be secured with a safety restraining device while sitting in the front seat and to the right of the officer. All necessary precautions will be taken by the officer.
 - 2. Two officer vehicle: When transporting an arrestee in a two officer car, the handcuffed arrestee will be secured with a safety restraining device while seated in the right rear seat. One officer will always be seated to the left of the arrestee and directly behind the officer driver. All necessary precautions will be taken by both officers.
- d. Male officers transporting female arrestee:

When females are transported by a male officer, the dispatcher will be notified of the vehicle unit number, starting mileage, and destination. Upon arrival, the officer will give the ending mileage.
- e. Transporting males and females together:
 - 1. Males and females will not be transported together in a scout van or police vehicle unless they are husband and wife, or when the vehicle has accommodations for separation and such separation is used.
 - 2. A husband and wife will not be transported together in a scout van or police vehicle when one or both are the reported victim of a crime committed by the other.

- f. Transporting arrestees to DHMC:
If an arrestee is not booked, but is sent to Denver Health Medical Center with a hold order, the following procedure will apply:
1. All patients who are on a Denver Police Department hold for arrest who are, or who indicate they may become combative will be handcuffed and transported with an officer accompanying the patient in the ambulance en route to the hospital. All other patient/arrestees on a Denver Police Department hold will be handcuffed and transported via ambulance with an officer following directly behind the transporting ambulance. The patient/arrestee will remain the responsibility of the Denver Police Department officer until custody is transferred to the Denver Sheriff Department at Denver Health Medical Center (DHMC).
 2. Searching of the patient/arrestee prior to transport will be the responsibility of the arresting officer, unless it would interfere with the necessary medical treatment. In the event that a search cannot be accomplished, an officer will accompany the patient/arrestee in the ambulance unless the following exception applies: Whenever a patient/arrestee in critical condition is transported from the field without an officer escort, officers will respond to DHMC to cause custody transfer to the Denver Sheriff Department. In these cases, officers will complete and distribute a Sick and Injured Report (DPD 150) per OMS 109.02 (2).
- g. For transgender individuals - see OMS 104.10

(18) INTERVIEWING PERSONS OF THE OPPOSITE SEX – POLICE FACILITIES:

Individuals will not be interviewed alone by department personnel of the opposite sex at police facilities unless there is visibility into the room or area through glass or an open door, or a room where video monitoring equipment is present and in operation.

(19) ARREST REPORTS – ON-DUTY VERSUS OFF-DUTY:

- a. On-duty officers will ensure that all reports are submitted according to policy prior to the end of their shift, and sooner when applicable.
 - All reports completed on paper will be forwarded to the Identification Section or Records Unit (whichever is applicable).
- b. Off-duty officers, including those working secondary employment will comply as follows:
 1. If the individual is jailed, the arresting officer will complete all required paperwork and give it to the on-duty transporting officer (either Denver Sheriff scout van personnel or DPD personnel). The Denver Sheriff Department will forward all reports to the Identification Section.
 2. If an officer is working secondary employment and completes a paper US&C (suspect not jailed), he/she will ensure that during their secondary employment shift the US&C is given to an on-duty officer or supervisor for timely processing.
 3. If the arresting officer is off-duty, but not working secondary employment, he/she will ensure that on-duty personnel respond to the scene and take custody of all reports.

(20) ASSAULT, DISTURBANCE, AND OTHER CASES – ORDER-IN VERSUS INCARCERATION:

Officers should, at their discretion, order-in rather than jail in assault and disturbance cases, if in their opinion:

- a. There is no danger of a continuing assault and no danger to other persons, and
- b. No resistance or interference to the officer involved. Prior to incarcerating a person on the charge of resistance and/or interference, the officer will receive approval from an officer of the rank of sergeant or above. Prior to giving approval, the sergeant or above will respond to the scene of

the incident and evaluate the situation. The officer's probable cause statement must include the name of the sergeant or above approving the incarceration. See OMS 105.00.

NOTE: For other minor misdemeanors, officers should generally order-in rather than jail unless there is resistance or interference to the officer. Officers unsure of which action to take should contact their sergeant.

(21) INTERFERENCE AND DISOBEDIENCE ARRESTS:

a. Interference with Police Authority (DRMC 38-31):

*(a) It shall be unlawful for any person, in any way, to **INTERFERE WITH OR HINDER** any police officer, any member of the police department, or any person duly empowered with police authority, while such officer, member, or person duly empowered with police authority is discharging or apparently discharging their duties.*

Enforcement guidelines:

1. A subject's actions must have actually interfered with or hindered an officer's ability to discharge his/her duties (describe in probable cause statement or officer notes). Insults, profanity or other forms of speech alone will not suffice for a successful prosecution. Running from police is not a crime and cannot satisfy the elements of Interference unless the officer cannot do an investigation. Merely delaying an investigation is not sufficient to support a charge.
2. A subject must knowingly interfere with an officer's ability to discharge his/her duties. When practical and safe to do so, officers may advise a subject that his/her actions are interfering with the officer's ability to carry out his/her duties. This advisement may help illustrate a subject's mental state, but does not by itself establish the elements of interference.

*(c) It shall be unlawful for any person to **FAIL TO OBEY A LAWFUL ORDER** of a police officer if such failure interferes with or hinders such police officer in the discharge of his official duties. It is an affirmative defense to this subsection that the failure to obey did not interfere with or hinder the police officers.*

Enforcement guidelines:

1. This is a specific form of interference, resulting from a suspect's failure to obey an officer's lawful order.
2. A subject's actions must have actually interfered with or hindered an officer's ability to discharge his/her duties (describe in probable cause statement or officer notes). Insults, profanity or other forms of speech alone will not suffice for a successful prosecution. Failing to stop when an officer orders a running suspect to do so cannot satisfy the elements of disobedience to a lawful order unless the officer is unable to complete the investigation. Merely delaying the investigation is not sufficient to support a charge.
3. An officer must be lawfully present at the scene or inside a location. If an officer is not legally present inside a location (a private residence, for example) then disobedience, even though the order is otherwise lawful, is unlikely to be prosecuted.
4. The order itself must be lawful. An order to leave a public area is generally not a lawful order; subsequently an arrest based on such an order has little chance of prosecution. If an officer has legitimate grounds on which to base an order to leave a public area (an evolving crime scene, for example, where evidence could be lost or destroyed) this fact should be clearly articulated in the probable cause statement or summons' notes in event of an order-in. Ordering a person to leave an area, and then arresting the same person at the same location some time later for disobeying the order to leave, is not sufficient

probable cause for an arrest. Also an order to open the door when an officer responds to a location and there are no exigent circumstances which would require the occupant to open the door is not a lawful order.

b. Improving Prosecutions / Reducing Dismissals

Officer narratives should at a minimum describe the following:

1. How the officer came to be at the scene and/or inside the location.
2. The suspect's actions and/or statements
3. How these actions and statements prevented an officer from being able to perform his/her duties
4. Any information that shows the suspect knew or should have known he/she was interfering.
5. For disobedience cases, a detailed description of the nature and circumstances of the lawful order.

(22) FUGITIVE WARRANTS – VIOLENT FELONY AND SERIOUS MISDEMEANOR ARRESTS:

- a. Investigation supervisors must coordinate with the Fugitive Unit on all violent felony and serious misdemeanor arrest warrants (i.e., domestic abuse cases where victim remains in imminent danger, sexually or biased motivated crimes, victim is a public official, pattern offense, etc.).
- b. In most cases the Fugitive Unit should be assigned as the primary investigative unit for fugitive apprehension. Exceptions are arrest warrants that can be coordinated and executed immediately by investigating officers having knowledge of the whereabouts of an individual being sought; however, even in those cases the Fugitive Unit should be notified of the apprehension attempt.
- c. Fugitive Unit procedures:
 1. At the same time a warrant is delivered to NCIC, a copy must be hand-carried to the Fugitive Unit (Police Administration Building - room 306), or it can be emailed to the Fugitive Unit at DPDFugitiveUnit@denvergov.org. When the Fugitive Unit receives an emailed warrant, they will send an acknowledgement.
 2. During normal business hours, arrest warrants must be placed in the warrant box located at the Fugitive Unit reception desk.
 3. After normal business hours, warrants must be placed in the lock box that is mounted outside the door of the Fugitive Unit. This box is labeled "Fugitive Warrants".
 4. Call the Fugitive Unit with any questions related to the delivery of arrest warrants.

(23) FUGITIVE ARRESTS – GENERAL PROCEDURES:

- a. Out-of-County Warrants:
 1. Except in instances of fresh pursuit, fugitives who are arrested in the City and County of Denver for other law enforcement agencies will be booked into the Denver Detention Center.
 2. If there is a representative from another agency with a valid arrest warrant for a fugitive who requests that the subject be released to their custody, a command officer may approve the release if the fugitive is not wanted by Denver on a felony or probable cause warrant, and the arrest did not result in a use of force or report of injury prior to arrest/injury while in custody. The arresting Denver police officer will complete a General Occurrence (GO) report documenting the arrest.
 3. If the individual has a valid government photo identification, or is identified using the Morpho Print reader, the individual may be jailed.
 4. Prior to jailing persons wanted by other jurisdictions, the arresting officer will bring the party to the Identification Section for warrant verification and bond information. Persons

with valid government issued identification can be processed at a district station for warrant verification. Persons wanted on in-state warrants will be held for that jurisdiction, (e.g., "Hold for Jefferson County Sheriff's Department, warrant #").

5. The arresting officer must receive a copy of the warrant, a verified signed copy of the computer want (hit), or a copy of the request for verifying computer hit information to attach to the arrest/booking slip.
- b. Out-of-State Warrants:
1. Whenever an individual is arrested on an out-of-state warrant, the arresting officer will complete a General Occurrence (GO) report titled, "Letter to Detective", outlining circumstances of the arrest and routing it to the Denver Police Extradition Unit.
 2. Persons wanted on out-of-state warrants will be charged with "Hold for Extradition Unit".
- c. Outside law enforcement agencies arresting persons who are wanted on any Denver warrant have the following options:
1. The arresting agency may process the arrestee through its own facility and later transfer the person to the Denver Detention Center by personnel of the Denver Sheriff Department. These arrangements will be made by the Denver Police Department Extradition Unit.
 2. The arresting agency may bring the arrestee to the DPD Identification Section; verify identity, obtain a copy of the warrant, and deliver the arrestee to the Denver Detention Center for booking.
- d. Juveniles taken into custody by an outside jurisdiction:
1. Juveniles wanted by Denver for criminal offenses, but arrested in another jurisdiction, will be processed by the arresting jurisdiction.
 2. Juveniles taken into custody by another jurisdiction may be transported to the custody of a Denver police officer at the city boundary if they are runaways (reported or not reported), or victims of abuse or neglect occurring in Denver. The detaining jurisdiction must contact Denver 911 to arrange transportation.
- e. Officers will not be sent to, or agree to meet a representative of an outside agency for the purpose of accepting an arrestee for transportation to the Denver Detention Center.

(24) INVESTIGATIVE FELONY ARREST PROCEDURES FOR ADULTS – SEE ALSO OMS 104.05:

When an adult is arrested between the hours of 0730hrs and 1600hrs for investigation of a felony offense, the officer will contact the supervisor of the responsible investigative unit for direction. If the arrest occurs outside of normal business hours, officers should consult with detectives from the Night Shift Unit, if available, for direction. When a detective is not available, the officer's supervisor will be consulted.

- Once all reports are completed for a felony arrest, the arresting officer will take the suspect to the Detention Center, or arrange for transport of the arrestee by scout van. If an investigative arrest is made, the arresting officer must complete a thorough Statement of Probable Cause on the MRE system, articulating all elements of the offense in the GO report.

(25) ARREST OF DENVER COMMUNITY CORRECTIONS INMATES:

- a. When called to a residential halfway house to arrest a rejected inmate who was placed by the Denver Community Corrections (DOC) Board, the responding officer(s) will search, handcuff, and transport the arrestee to the Detention Center.
- b. Arresting officer(s) will not be required to complete a Unified Summons and Complaint. The staff member at the halfway house will provide the officer with a completed Officer's Arrest Report (Denver Sheriff Department Form #38) showing the charge of "Hold/Violation of Probation".

- c. If additional violations such as resistance, disturbance, etc., occurred during the arrest and transportation of the arrestee, the transporting officer will file these charges on a Unified Summons and Complaint.
- d. This procedure applies only to Denver District Court Probation clients and NOT to Colorado Department of Corrections (DOC) parolees. Both agencies operate community based corrections facilities in Denver.

(26) ARREST OF DENVER POLICE OFFICERS, DENVER SHERIFFS, DENVER FIREFIGHTERS, OR ANY OTHER LAW ENFORCEMENT OFFICER:

- a. Whenever it becomes likely that probable cause exists to arrest or to file any charges on a Denver Police Officer, Denver Sheriff, Denver Firefighter, or any other law enforcement officer within the City and County of Denver, the Internal Affairs Section will be notified immediately to assess whether this division will handle the filing and/or charging of the officer, sheriff, or firefighter.
- b. Whenever a Denver Police Officer, Denver Sheriff, or Denver Firefighter is criminally charged or arrested in another jurisdiction, the Internal Affairs Section will be notified as soon as possible, if not by the jurisdiction involved, by the involved employee themselves, their supervisor, or the Denver Sheriff Department or Denver Fire Department Internal Affairs.

104.02 CITY ORDINANCE VIOLATION - CHARGING DECISIONS

(1) CHARGING DECISION:

The decision to charge or not charge a defendant with a violation of Denver City Ordinance will be made by the officer at the scene after available evidence has been gathered and evaluated. NOTE: See OMS 104.32 for domestic violence reporting/charging requirements.

(2) INSUFFICIENT EVIDENCE TO CHARGE:

If evidence is unavailable to show that a city ordinance violation has occurred, officers will tactfully but firmly explain to complainants the limits of police involvement allowed by law.

- a. If a person requesting police action does not accept the officer's decision, the officer will request that a supervisor respond to the scene to evaluate the situation and confer with the complainant.
- b. The officer will note on his/her log sheet the name of the responding supervisor, relevant data about the situation, and the supervisor's decision.
- c. Any complainant who continues to demand police action after a supervisor has deemed none to be in order will be directed to the appropriate district command officer to discuss the matter. Supervisors will provide the person with an appropriate contact number and address, and will also inform the referred command officer of the situation.
- d. In no instance is the person to be referred to the Denver City Attorney's Office, the Denver County Court, or to the Information Desk Unit at the Police Administration Building.

104.03 UNIFIED SUMMONS AND COMPLAINT (US&C)

(1) PURPOSE:

The Unified Summons and Complaint is a legal document used whenever an adult or juvenile suspect is charged with a violation of the Denver Revised Municipal Code (DRMC) other than traffic, or designated Colorado Revised Statutes (see MRE Charging Table for state statutes that can be charged on a US&C). Generally, the electronic version of the US&C will be used. Infrequently, a paper version (DPD 777) may be used when officers do not have access to a computer, such as during secondary employment. If a paper US&C is completed by an officer that is on-duty, the officer is required to create an electronic AB, entering the exact information on the paper US&C. The officer will also create an electronic GO report

detailing the criminal event and facts to prove the criminal case. See also US&C Cheat Sheet, US&C Flow Chart and Arrest Entry for US&C on DPDWeb.

(2) COURT APPEARANCE DATES:

Court appearances will be scheduled thirty (30) days following arrest or order-in, if such thirtieth day is a regular court day. If the thirtieth day is not a court day, the return date will be on the next court date following the thirtieth day. Return dates will not be on a Saturday, Sunday, or city holiday. Following arrest or order-in, defendants may follow up by calling the county court or appearing in person to schedule a new court date.

(3) ELECTRONIC US&C – SUSPECT IDENTIFIED:

Officers must positively identify the person to be served or arrested. Officers will use the MRE system and select “Add Arrest.” Entries will then be made in all applicable fields and officers will progress through the data entry process until completion. During the data entry process, officers will select the appropriate arrest type for either ordering in or jailing a subject.

a. Order-In:

When circumstances do not merit jailing a violator, an officer may order the person directly into court to answer charges. Print the defendant’s copy and serve.

b. Jailing arrestee:

Print all required reports created by the data entry process (US&C, probable cause statement / booking slip). The officer will serve the defendant’s copy and arrange for delivery of arrestee and required reports to the Denver Detention Center.

1. Any injuries to the arrestee must be documented; if there are no injuries, enter "none" on the arrest notes.
2. Arrest notes should include any voluntary statements made by an arrestee concerning infectious diseases. A notation should also be made when a subject has blood or bodily fluids present on his/her person or clothing.

(4) PAPER US&C – SUSPECT IDENTIFIED:

Officers must positively identify the person to be served or arrested. The back of page one serves as the GO report. The yellow copy is the defendant’s. All writing on paper copies must be done with a black ball point pen, using sufficient pressure to ensure that all handwritten information is legible on all copies. Block letters will be used except for the officer’s signature.

a. The GO report (back of US&C) must contain all pertinent information to prosecute the case. Ensure that all appropriate fields are completed. Officers working secondary employment will clearly designate “off-duty” on the GO portion of the US&C.

b. A probable cause statement is mandatory. If additional space is needed, use Statement of Probable Cause, cont. (DPD 287A).

c. To charge a defendant with an offense not listed on page one, the arresting officer will print the appropriate section number and a brief description of the violation in the space marked “other violations”.

d. Officer named as witness:

The officer completing the report will determine which involved officer is most qualified to be the prosecution witness, because of personal knowledge of the facts of the case. The name and serial number of this officer will be written in the witness field of the GO report, and will generally be the only police witness to receive a court appearance notice (see section 1 below).

- Endorse all officers who are needed for the successful prosecution of the case. Only testimony of a competent witness is admissible. Unless an officer has personal or direct knowledge of the facts of a case, he/she is not a competent witness in that case.

- e. Order-In:
 - 1. When circumstances do not merit jailing a violator, an officer may order the person directly into court to answer charges. The officer will check the US&C box labeled "Order-In," along with the appropriate charges.
 - 2. When the US&C is completed and indicates the date and by whom it was served, the subject will be served with the copy marked "Defendant."
 - 3. The remaining copy of the US&C will be forwarded to the Identification Section for scanning and data entry.
 - 4. Officers may obtain the defendant's right index fingerprint and affix it to the DPD copy of the US&C.
- f. Jailing arrestee:

Deliver or arrange for delivery of arrestee and required reports (US&C, probable cause statement, booking slip) to the Detention Center. The Denver Sheriff Department will forward report copies to the Identification Section for scanning and data entry.

 - 1. Booking Slip (back side of Probable Cause Statement):

Any injuries to the arrestee must be documented; if there are no injuries, enter "none." Include any voluntary statements made by an arrestee concerning infectious diseases, or when a subject has blood or bodily fluids present on his/her person or clothing.

(5) PAPER US&C - SUSPECT IN CUSTODY BUT NOT IDENTIFIED (JOHN OR JANE DOE):

All circumstances with in-custody suspects where an officer is unable to obtain the correct name, address, place of employment, or date of birth, will be processed using a paper US&C (DPD 777). The officer will leave those spaces blank and the Denver Sheriff Department will complete. If the suspect refuses to provide a name, the arresting officer will:

- a. Complete the necessary information on the front of the US&C except for the suspect information and service section. The officer will sign the US&C as the arresting officer, but will not sign the service section.
- b. Write "John Doe" (male) or "Jane Doe" (female) on the very top portion of the US&C to notify the Denver Sheriff Department that the name of the suspect is unknown. The officer will not create an Arrest Booking (AB) slip.
- c. Complete a paper booking slip and paper probable cause statement and ensure that the suspect and required documents are delivered to the Detention Center (via scout van or police transport).
 - When the identity of the suspect is determined, sheriff personnel will complete the US&C and serve the defendant.

(6) PAPER US&C - INVESTIGATIVE SECTION / UNIT PERSONNEL:

All US&Cs initiated under this section by investigative personnel will be paper handwritten versions (DPD 777). If a GO report has not already been submitted, investigative personnel will complete one, outlining details of the offense/arrest.

- a. Initiating a criminal proceeding:

The Unified Summons and Complaint (DPD 777) may be used by Investigative Section/Unit personnel to initiate a criminal proceeding in which a subject is charged with a misdemeanor violation of Colorado Revised Statutes. The US&C is not used to initiate any felony proceedings.
- b. Approval Required:

US&Cs for state statute misdemeanor charges must be approved by the Denver District Attorney's Office prior to service, with the exception of incidents involving designated state traffic

- statutes or misdemeanors connected with a state traffic statute (designated special state charge exceptions are in the MRE charge table).
- c. Order-in and release OR subject already incarcerated:
Investigative personnel will follow all applicable procedures and serve the defendant as per section 104.03 (4) e.
- d. Jailing arrestee:
Investigative personnel will follow all applicable procedures and serve the defendant as per section 104.03 (4) f.

104.04 UNIFIED SUMMONS AND COMPLAINT / WARRANT

(1) PROPER IDENTIFICATION OF SUSPECT:

- a. When an officer has probable cause to believe a city ordinance violation has occurred and the suspect is gone, or when an officer sees an ordinance violation but is unable to apprehend the suspect, he/she will make every reasonable effort to determine the suspect's correct identity and/or obtain positive identification before requesting the issuance of an arrest warrant. Information from such sources as witnesses, computer databases, and Identification Section files should be used. Merely locating a name in a computer database that is the same or similar to a suspect's name does not, by itself, provide probable cause to believe that the person in the database is the same person as the suspect. Other corroborating information must also be present to establish probable cause.
- b. If a positive identification cannot be made based on the reliable information available, a General Occurrence (GO) report should be completed in lieu of requesting an arrest warrant, to allow investigative section/unit personnel to determine the suspect's correct identity. See OMS 104.32 (3) for the standards of determining probable cause in Domestic Violence cases.
- c. If a suspect's identity (adults and juveniles) can be determined an officer will complete a US&C warrant and a GO report. The officer will swear to and affirm its contents in the presence of a notary.

104.05 INVESTIGATION AND HOLD ARRESTS

(1) INVESTIGATIVE HOLDS:

When officers arrest an individual for an investigative hold, officers will route the report to the appropriate investigative unit and Versadex will make an electronic notification to the investigative section or unit.

- a. The arresting officer will contact his/her immediate supervisor who will approve (or return) the GO report within Versadex. All returned reports must be corrected by the submitting officer and resubmitted for approval prior to the end of their shift.
- b. The arresting officer will complete an electronic statement in the GO report, detailing his/her actions and observations of the arrest.

(2) HOLD ORDERS:

Hold orders will not be placed against:

- a. Witnesses or victims of crimes, nor will these persons be transported in a scout van.
- b. Persons sent to Denver Health Medical Center or other medical facilities unless they are charged with a law violation, held for investigation of a criminal offense or pursuant to an arrest warrant, or detained for a mental health evaluation. Persons who have attempted suicide or held for a mental health evaluation will not be transported in a scout van.

(3) ADVISEMENT OF RIGHTS:

Every person arrested and jailed on an investigation charge must be advised of their rights and made eligible for bond at the next scheduled court session following the arrest.

(4) INVESTIGATING OFFICER RESPONSIBILITY:

Each investigative section/unit officer of the department will be responsible for the charges against any arrestee in the detention facility which are his/her responsibility to investigate. It will be the duty of the investigating officer to make sure such cases are processed with no unnecessary delay. Arresting officers may check with both the investigative unit and the detention facility for information on the status of the case.

104.06 CHANGING CHARGES

(1) DETECTIVE AUTHORITY:

Only investigative section/unit officers assigned to a case may change charges. Identification Section personnel will add a charge when there is an active pickup in their files. Identification Section personnel will not change the original charge.

(2) MODIFICATION OF PRISONER HOLD FORM (DPD 43) – INVESTIGATIVE SECTION/UNIT PERSONNEL ONLY:

A Modification of Prisoner Hold Form (DPD 43) is used when dropping, adding or changing charges against arrestee(s) under their investigation.

- a. The investigating officer will indicate on a Modification of Prisoner Hold Form (DPD 43) either the charges filed or release the "investigation" charge and the arrestee from custody.
- b. The investigating officer will deliver, in person, by fax, or by email to DPDID@denvergov.org, the Modification of Prisoner Hold Form (DPD 43) to the Identification Section. Personnel assigned to the Identification Section will cause the Modification of Prisoner Hold Form (DPD 43) to be scanned into the arrestee's arrest-booking record and the appropriate add or drop charges will be entered within the Record Management System (Versadex). Identification Section personnel will then ensure that a copy of the Modification of Prisoner Hold Form (DPD 43) is delivered to the appropriate Detention Facility of the Denver Sheriff Department in a timely manner.
- c. Whenever a Modification of Prisoner Hold Form (DPD 43) is submitted and charges are changed, the specific charge and the designation of felony or misdemeanor will be recorded.

(3) RELEASE:

The Denver Detention Center is responsible for the prompt release of an arrestee after all police holds have been cleared. They are also responsible for clearing charge(s) from the arrestees' records.

(4) ADDING CHARGES:

If additional unrelated charges are placed against an arrestee already in custody, the investigative unit officer will complete a Statement of Probable Cause, cont. (DPD 287A), outlining the probable cause for the additional charge. This form and a copy of the Modification of Prisoner Hold Form (DPD 43) must be delivered to personnel assigned to the Identification Section, in person, by fax, or by email to DPDID@denvergov.org.

- Patrol Officers: For persons already in custody and being held on previous charges, when an additional incident occurs, complete a new AB report and GO report.

104.07 CENTRAL WANT AND WARRANT FILES (PERSONS AND PROPERTY)

(1) MAINTAINED IN THE IDENTIFICATION SECTION:

A central want and warrant file will be maintained in the Identification Section. Information from this file can be obtained only by persons known to be criminal justice personnel.

(2) CENTRAL WANTED PERSONS AND WARRANT FILE FUNCTIONS:

- a. A copy of the pickup and a photograph of the wanted person are sent to the Daily Bulletin editor. Cancellations will be noted on a DPD 252/110.
- b. File checks can be made by name only on pickups without DPD numbers.
- c. All wanted notices from the Denver Police Department and Denver Courts will be filed in the wanted file. All such notices will include the signature of the person responsible for the notice and not just the name of the requesting agency.
- d. No Denver Police Department charges will be placed against an arrestee who is being held in the detention facility at the request of a federal law enforcement agency or on a writ of habeas corpus, even though a valid warrant is on file. Instead, the detective or agency initiating the warrant will be notified that the person is being held for a federal law enforcement agency or on a Writ of Habeas Corpus. Identification Section personnel will not initiate a cancellation, but will retain the warrant on file until it is canceled by the originating detective or agency.

(3) VERIFICATION OF ARREST WARRANTS AND ARRESTEE PROCESSING:

- a. No person will be jailed on any warrant until it is verified by Denver 911 NCIC Division personnel.
- b. If the individual has valid government photo identification, or is identified using the Morpho Print reader, the individual may be jailed.
 1. If the individual does not have valid government photo identification, or cannot be identified using the Morpho Reader, he/she will be transported directly to the Identification Section for warrant verification.
 2. If the person is an adult wanted on a US&C warrant, and is to be ordered in rather than jailed, he/she must be transported to the Identification Section to be served.
 3. If the person is a juvenile wanted on a US&C warrant, he/she must be transported to the Juvenile Section.
 4. If a person is wanted by this department on a probable cause warrant supported by a Unified Summons and Complaint, the officer must transport the arrestee to the Identification Section to be served and then jailed.
- c. Processing via mobile data terminal or at a district station:
 1. The arresting officer will email DPDNCIC@denvergov.org or fax a completed FAX Warrant Verification form to the NCIC Division.
 2. Using the same method of data transmission as the officer, when NCIC personnel have verified the warrant they will email or fax a copy of the computer printout and verification stamp to the officer. The officer will attach a copy of the verification to the Arrest Booking (AB) slip.
 3. The arrestee may then be transported to the Detention Center by the officer or custody transferred to the DSD scout van.
 4. When a completed FAX Warrant Verification form is received by the NCIC Division, the warrant will be canceled from CCIC or a "locate" sent to the originating agency. The paperwork (warrant, teletype, etc.) will be forwarded to the Detention Center when the subject arrives at the jail.
 5. If a person is wanted on a US&C/warrant, Identification Section personnel will fax or email (using the same method of transmission as the officer) copies of the front and back of the defendant's copy to the officer, who will serve the arrestee.
- d. Identification Section Processing:
 1. The arresting officer will be given a copy of the computer printout showing the bond amount and the signature of the verifying Identification Section employee.

2. This paperwork and the AB must be given to the detention facility receiving deputy when the arrestee is placed in his/her custody.
- e. If warrant and bond verification cannot be determined within the time limits prescribed by NCIC/CCIC rules, and the warrant is the only reason for jailing the individual, the person may be released at the officer's discretion. However, if there are additional charges, the person may be jailed or ordered-in on those charges as deemed appropriate within policy.

(4) DETERMINING IF PROPERTY IS STOLEN:

Officers having reasonable suspicion or probable cause to stop and question persons about property in their possession are encouraged to ascertain whether the property has been reported stolen.

- a. If a computer inquiry indicates the property has been reported stolen, the item(s) are to be seized and placed in the Evidence and Property Section as evidence.
- b. **PRIOR TO JAILING ANY SUSPECT, OFFICERS WILL NOTIFY A MEMBER OF THE APPROPRIATE DISTRICT INVESTIGATIVE UNIT.**
 1. During the dedicated staffing hours of the appropriate district investigative unit, detectives are available to assist the arresting officers.
 2. At other times, a detective or sergeant assigned to the district investigative unit can be contacted through Denver 911 or through contact information accessed by station personnel.
- c. Officers should consider all available information such as the nature of the offense in the original report, how long ago the report was made, the statements and demeanor of the suspect, the circumstances of the arrest, the type of item, and even its value. Possession of a reportedly stolen item should not be the only criterion upon which the decision to jail is based.
 1. The date the item was reported stolen is important. If the item is wanted in connection with a case REPORTED TO THE DENVER POLICE DEPARTMENT less than ten days prior to the apprehension of the suspect, a stronger case for jailing the person is made. In those instances, where the item was reported to the DPD more than ten (10) days before the arrest, issue the suspect a request to appear to the assigned detective for the next business day.
 2. When an item has been reported wanted by any law enforcement agency other than the Denver Police Department, officers will contact the specific outside law enforcement agency for direction. If a representative from the outside law enforcement agency is unavailable or unable to provide direction, Denver police officers will seize the reported stolen items and complete a GO report, titled "Letter to Detectives", including suspect information, etc. Officers will use the same CAD number for the GO report and property invoice, and place the items(s) into the Evidence and Property Section as "personal property." Officers will also note the outside agency case number and "items stolen from (name of jurisdiction)" on the property invoice. The Evidence and Property Section will notify the originating agency via NLETS message and maintain records of all notifications in accordance with property management procedures.
- d. When officers have decided to jail the suspect, the charge will be consistent with that listed on the original report, such as "Investigation Burglary, Case # 123456789".
- e. All paperwork related to the arrest and/or order-in, such as statements, computer printouts, or copies of the Probable Cause Statement (if completed on paper) should be forwarded without delay to the assigned investigative section/unit (originals are sent to Records Unit for scanning).

(5) DENVER COUNTY COURT WARRANT ARREST:

- a. Denver County Court warrants include failure to appear bench warrants, failure to comply or contempt of court warrants. These warrants are entered onto CCIC and will have a bond amount or list the number of days to be served in jail.

- b. When an officer receives notification that a subject is wanted on a Denver County Court warrant, they will proceed as outlined in OMS 104.07(3)

(6) FUGITIVE UNIT NOTIFICATION:

If an investigating officer is notified that the subject of his/her warrant has been arrested by another jurisdiction, he/she will notify the Fugitive Unit immediately. Fugitive Unit personnel will place holds and arrange to have the individual returned to Denver.

104.08 OBTAINING AT LARGE AND PROBABLE CAUSE ARREST WARRANTS

(1) DEFINITIONS:

AT LARGE Arrest Warrants: Issued by the Denver District Attorney's Office after acceptance for filing of a criminal case with the court. The investigating officer will sign the affidavit at the Denver District Attorney's Office. To obtain an at large warrant, the Denver District Attorney's Office must make a showing that the alleged suspect has fled the State of Colorado and that the district attorney is willing to extradite the alleged suspect from the location of arrest. At large warrants are valid for extradition nationwide.

PROBABLE CAUSE Arrest Warrants: An investigative warrant, valid for extradition only in the State of Colorado, is used when the filing of criminal charges is pending. The investigating officer, who completes an Affidavit and Application for Arrest Warrant (DPD 69) and swears to the information in the presence of a judge, obtains the warrant. Investigators will use probable cause warrants to arrest individuals suspected of committing State misdemeanors and felonies, and in furtherance of an investigation(s).

(2) WARRANTS ISSUED BY OTHER CITY AGENCIES:

- A Denver County Court clerk will place warrants issued for failure to appear on city ordinance charges.
- The county court will handle bench warrants for failure to appear on Denver County Court state misdemeanor charges.
- The Denver Sheriff Department will handle all Alias Capias warrants issued by the Denver District Court.

(3) OBTAINING AT LARGE AND PROBABLE CAUSE ARREST WARRANTS:

- a. The investigating officer must complete an affidavit that specifies facts sufficient to support the occurrence of an offense and probable cause to support that a particular person committed the offense (Affidavit and Application for Arrest Warrant - DPD 69). The investigating officer will present the affidavit to a Denver County or District Court judge for review. If the judge concurs with the probable cause detailed in the affidavit, the court will issue an arrest warrant commanding any peace officer to arrest the person named in the warrant (see CRS §16-3-108).
1. Investigating officers will obtain probable cause warrants when seeking the arrest of any individual suspected of committing a state felony or misdemeanor in the City and County of Denver. The investigating officer will then follow the procedures outlined in section (4).
 2. When the investigating officer obtains a probable cause warrant for a state felony and the investigation shows the suspect fled the State of Colorado, he/she will confer with the district attorney's office regarding extradition.
 3. In instances where the district attorney's office decides to extradite the suspect from another state, the investigating officers will follow procedures outlined in section (3) b.
 4. In instances where there is insufficient information or evidence for the district attorney's office to make a decision about extradition, the investigating officer will follow the computer entry procedures outlined in section (4).

- b. When the investigating officer obtains a probable cause warrant for individuals suspected of committing a state felony and the investigation or information supports that the suspect is no longer in the State of Colorado, the assigned investigating officer will:
1. Present the case to the district attorney's office to determine if filing criminal charges is applicable. If the district attorney's office accepts the case for filing, the assigned investigating officer will request an at-large warrant for the suspect's arrest. The assigned deputy district attorney will complete the at large filing documents and have the assigned investigating officer sign the affidavit. The investigating officer will submit the completed at-large warrant to the NCIC/CCIC operator in accordance with section (4).
 2. If the district attorney's office refuses the case for filing of criminal charges and the issuance of an at-large warrant, knowing that the suspect is out of the State of Colorado, the assigned investigating officer will obtain a probable cause warrant in accordance with section (3) a. and the recommendation of the district attorney. The assigned investigating officer will include a copy of District Attorney Form (DA-122), DA Case Filing Form indicating "obtain PC warrant" with the investigative case file.
 - District attorney Form (DA-122), DA Case Filing Form is work product of the district attorney and not available for discovery. As this document is not discoverable, no member of the Denver Police Department will produce the document to the public as part of an open records request, or to any defense attorney as part of a discovery request.
- c. When a jurisdiction outside the State of Colorado arrests an individual wanted on an at-large or probable cause warrant, the NCIC/CCIC operator will immediately notify a supervisor assigned to the unit responsible for obtaining the warrant.
1. For suspects arrested on at-large warrants, the assigned investigating officer will notify the Fugitive Unit to begin the extradition process. The investigating officer will make written notification through their chain-of-command when requesting travel to the jurisdiction of arrest to interview the arrested suspect.
 2. When the out-of-state jurisdiction holds a suspect on a probable cause warrant only, the supervisor assigned to the unit responsible for obtaining the arrest warrant will immediately assign an officer to investigate. The assigned investigating officer will contact the deputy district attorney and discuss the information or evidence necessary to obtain an at-large warrant for the suspect. If travel is necessary to further the investigation, the investigating officer will make written notification through their chain-of-command to arrange travel to the jurisdiction of arrest.
 - a. If the deputy district attorney approves the at large filing after discussions with the assigned investigating officer, or after travel to obtain further information, the investigating officer will notify the jurisdiction of arrest and inform them that an at large warrant is forthcoming. The investigating officer will then follow the procedures outlined in section (3) b. 1.
 - b. If the deputy district attorney refuses the at-large filing, and unless advised by the deputy district attorney that probable cause no longer exists, the investigating officer will keep the probable cause warrant active and notify the arresting jurisdiction that extradition will only occur within the borders of the State of Colorado. The investigating officer will discuss with the deputy district attorney what evidence or information is necessary to obtain an at large warrant. The investigating officer will note the discussion in the supplemental report for the case file.

(4) AFTER OBTAINING AN AT LARGE OR PROBABLE CAUSE ARREST WARRANT:

- a. The assigned investigating officer will forward the following paperwork to the Identification Section for computer entry. This will include:
 1. A completed Wanted/Missing Person (DPD 252/110).
 - Before sending this form to the Identification Section, the assigned investigating officer will run a computer check on the named subject, obtaining the last known address, and DPD number if known.
 - When completing the Wanted/Missing Person (DPD 252/110) for a felony probable cause warrant, officers will include the following information in the miscellaneous field:

If contacted out of state notify ORI for possible extradition. Call the (name of investigative unit) on-call supervisor via Denver 911.
 2. One (1) copy of the warrant.
- b. When officers make application to any court (e.g., search warrants, arrest warrants, Rule 41.1, and associated documents such as search warrant envelopes, sealed search warrant envelopes, return and inventory, etc.), officers will place the Denver Police Department GO report number on those documents.
 - If a location for the GO number does not exist on the document, officers will hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.

(5) GENERAL FUGITIVE WARRANT PROCEDURES:

Of primary concern in all criminal investigations is the apprehension of suspect(s) named in arrest warrants as soon as possible following issuance of the arrest warrant. This section will outline the procedures used to affect the arrest of persons wanted for a criminal offense and the procedures to document the methods used by personnel affecting the arrest.

- a. General procedures prior to an attempted arrest:
 1. Ensure the arrest warrant is active by conducting a test clearance of the wanted subject.
 2. Perform an entity check through the Versaterm System seeking information that would render an apprehension unnecessary (e.g., prior unsuccessful attempt(s), subject moved, invalid address, etc.).
 3. Prior to attempting an arrest, officers will contact Denver 911 and request any information pertaining to the location of the attempt apprehension.
 4. Considering CRS §16-3-106, officers will contact the appropriate jurisdiction when attempting an arrest outside the jurisdictional boundaries of the City and County of Denver. Unless in fresh pursuit of a suspect, an officer not only risks losing potentially valuable evidence, but is also in violation of the law when he or she travels outside the City and County of Denver to arrest a wanted person without the assistance of law enforcement from the appropriate jurisdiction. When making an arrest outside of the jurisdictional boundaries of the City and County of Denver, an officer requires both probable cause, and absent fresh pursuit or exigency, the physical presence and assistance of the outside jurisdiction, to make the arrest.
 5. Upon completion of the attempted arrest, officers will notify Denver 911 and provide the dispatcher with the appropriate disposition (e.g., success/unsuccessful, suspect no longer resides at the address, invalid address, suspect's family resides at address, suspect no longer lives there, etc.).
 6. All officers attempting an arrest will complete a street check noting the outcome. Officers will forward directly to the assigned detective all information related to any intelligence regarding the subject, the location, or additional information that may assist future arrest attempts.

7. The assigned detective will include all information related to the arrest or arrest attempts in their respective investigative case file prior to filing the case with the district attorney's office.
- b. Felony warrants:
- All warrants will be submitted to OSI/NCIC/CCIC/Webmug immediately upon obtaining the warrant. This applies to all procedures below:**
1. All violent felony warrants where the assigned detective does not have the means to expeditiously secure the suspect (e.g., imminent voluntary surrender); the assigned detective will advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit.
 2. In most cases, the Fugitive Unit will be assigned as the primary investigative unit for fugitive apprehension. Exceptions would be arrests warrants that can be coordinated and executed immediately by investigating officers having knowledge of the whereabouts of the individual being sought. However, the Fugitive Unit will still be notified of the apprehension attempt and disposition.
 3. At the same time the arrest warrant is delivered to the Identification Section for entry into NCIC/CCIC, the assigned detective will hand carry a copy of the arrest warrant to the Fugitive Unit along with work-up packet information (e.g., criminal history, suspect photograph, etc.).
 4. During normal business hours, a copy of the arrest warrant must be placed in the warrant box located at the Fugitive Unit reception desk.
 5. After normal business hours, a copy of the arrest warrant will be placed in the lock box that is mounted outside the door of the Fugitive Unit. This box is labeled "fugitive warrants." When the assigned detective obtains a felony warrant during non-duty hours, and it is in the best interest for the safety of the community to have the fugitive immediately located and arrested, the assigned detective will contact their supervisor who will cause the Fugitive Unit to be notified as stated in section (5) b.1. of this policy for the purpose of an immediate apprehension operation.
- c. Misdemeanor warrants:
1. In cases where the assigned detective obtains a misdemeanor warrant, the detective will initiate all reasonable efforts to apprehend the subject prior to the end of the assigned detectives' shift.
 2. In those cases where the misdemeanor warrant reaches a more serious level (i.e., domestic abuse cases where the victim remains in imminent danger, sexually or biased motivated crimes, the victim is a public official, part of a pattern offense, etc.), the assigned detective will advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit as outlined above in the felony warrant section.
 3. When initial arrest attempts prove unsuccessful, and the nature of the offense does not necessitate an immediate response, the assigned detective will complete a street check as outlined in section (5) a. 6.
- d. In any instance where a subject's arrest or warrant cancellation occurs with respect to a Denver Police Department warrant, Identification Section personnel will notify the appropriate investigative section or unit personnel.
1. Upon the arrest of a wanted subject, or when the cancellation of a warrant occurs, Identification Section personnel will forward a copy of the Wanted/Missing Person (DPD 252/110) to the responsible investigative unit and the assigned detective.
 2. The assigned detective will document the arrest or cancellation information in the appropriate case file supplemental report.

(6) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINER REQUESTS AND WARRANTS:

The U.S. Immigration and Customs Enforcement (ICE) has the authority to enter detainer requests and warrants issued by a court into the NCIC system.

- a. A detainer is a request for agencies to hold subjects contacted by law enforcement for immigration violations. The Denver Police Department will not hold subjects for detainers; however, the Denver Sheriff Department will communicate with ICE when a subject with detainer information is in custody.
- b. A warrant may be originated from ICE issued by a court, most commonly a federal court. If a warrant is entered, the Denver Police Department will process the warrant like any other criminal warrant from another agency.
- c. Officers must contact the Identification Section to verify whether NCIC information entered by ICE constitutes a detainer or a warrant. The word "warrant", or more specifically "administrative warrant", may appear under the MIS field or other fields of the NCIC response when no actual warrant has been issued. It is necessary to have ICE verify and clarify, through the NCIC Unit, whether a detainer or actual warrant is in effect.

104.09 ASSISTING POLICE OFFICER

(1) CRS §16-3-202:

- (1) *A peace officer making an arrest may command the assistance of any person who is in the vicinity.*
- (2) *A person commanded to assist a peace officer has the same authority to arrest as the officer who commands his assistance.*
- (3) *A person commanded to assist a peace officer in making an arrest shall not be civilly or criminally liable for any reasonable conduct in aid of the officer or for any acts expressly directed by the officer.*
- (4) *Private citizens, acting in good faith, shall be immune from any civil liability for reporting to any police officer or law enforcement authority the commission or suspected commission of any crime or for giving other information to aid in the prevention of any crime.*

104.10 TRANSGENDER SUSPECTS AND ARRESTEES

(1) PURPOSE:

This policy establishes guidelines for the appropriate treatment of transgender individuals who come into contact with the Denver Police Department. Department personnel will consider a person to be transgender if the person identifies him or herself as transgender or, if upon reasonable belief that a person may be transgender, the employee asks and receives an affirmative response. Personnel will use their own discretion whether to ask a person their gender identity and how they would like to be addressed.

The policy of the Denver Police Department is to treat all individuals with dignity, respect, and professionalism. Department personnel will at all times abide by the Denver Police Department's policy on respectful treatment, as well as the City of Denver's policies and/or guidelines that prevent gender identity discrimination when interacting with transgender, intersex, and gender non-conforming individuals.

Department personnel will use their preferred name, even if that name is not legally recognized, in all conversations with the transgender individual, or with any other person when referring to the transgender individual. In addition, when addressing or referring to a transgender person, department personnel will use pronouns preferred by the individual. If uncertain about which pronouns are appropriate, department personnel will respectfully ask the individual which pronouns are preferred, or use "they".

(2) DEFINITIONS:

Preferred Name: A non-birth name that a transgender individual uses in self-reference (this may or may not be in the individual's legal name).

Transgender: Transgender is an overall term used to describe people whose gender identity and/or gender expression differs from their sex at birth, whether or not they have changed their biological or hormonal characteristics.

Transgender Man or Female-to-Male (FTM): A person who transitions from female to male, meaning a person who was born female, but identifies and lives as a man. A female-to-male individual should be addressed using masculine pronouns (i.e., he, him, his), or other pronouns of the individual's preference, regardless of biological, hormonal, or surgical status.

Transgender Woman or Male-to-Female (MTF): A person who transitions from male to female, meaning a person who was born male, but identifies and lives as a woman. A male-to-female individual should be addressed using feminine pronouns (i.e., she, her, hers), or other pronouns of the individual's preference, regardless of biological, hormonal, or surgical status.

(3) ARREST PROCEDURES:

- a. When completing official department documents (non-arrest paperwork), officers will document the individual's legal name and include the transgender suspect's preferred name and alias. When arresting a transgender suspect, officers will document the suspect under the individual's legal name and enter any preferred name as an alias. NOTE: If no identification is available, and the arresting officer cannot determine a transgender suspect's legal name, officers will use the preferred name for either the primary or alias name.
- b. Officers will record the following information on the General Occurrence (GO) report, street check or Body-Worn Camera:
 1. The advisement and request for preference
 2. The suspect's response
 3. Whether or not the request was granted
 4. Reason for not granting the request, if applicable
- c. Absent exigent circumstances and before performing any level of search of transgender individuals, officers will inform them of the right to express a preference for the gender of the officer who will conduct the search.
 1. If the transgender individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible.
 2. If the transgender individual does not specify a preference, at least one officer of the same gender as the transgender individual's gender expression will conduct the search.
 3. Officers must consider the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, an arresting or assisting officer will proceed with the search per policy.
 4. When practical, two officers should be present for searches of transgender individuals. When necessary for safety or other articulable reasons, an officer may search a transgender individual without the presence of a second officer and will document the reasons for doing so.
 5. Officers will not search or physically examine a transgender individual for the sole purpose of determining his or her physical status.
 6. When in doubt (absent any safety considerations), officers will consult with a supervisor.
- d. Officers will not seize or remove appearance-related items (e.g., clothing, undergarments, wigs, prosthetics, or make-up, etc.) if those items would not be confiscated from a non-transgender

- individual. EXCEPTION: Appearance-related items may be seized if the items are evidence or a safety hazard.
- e. When transgender arrestees are transported, the dispatcher will be notified of the vehicle unit number, starting mileage and destination. Upon arrival, the officer will give the ending mileage. If necessary, officers will call additional officers to the scene to assist with transporting transgender arrestees. Transgender arrestees will not be transported in the scout car with other individuals unless there are accommodations for separation. Officers will house transgender suspects/arrestees in DPD holding cells alone. If there are no holding cells available, a supervisor will make arrangements for the transgender suspect/arrestee to have a cell, be transported, or released.
 - f. When officers transport a transgender arrestee to the detention center, DHMC, or otherwise transfer custody to another law enforcement agency, they will verbally advise the receiving agency/officer that the individual is transgender. The officer will relay any other relevant identification related information, including how the suspect would like to be addressed.

104.11 PROCESSING PICKUPS (WANTS) OR CANCELLATIONS FOR WANTED PERSONS AND/OR PROPERTY

(1) DPD 252/110:

Officers will use Wanted/Missing Person (DPD 252/110) and NCIC/CCIC Information (DPD 252/110) when placing pickups (wants) on a person or vehicle.

- a. No "pickup" may be placed on a person without a warrant, unless that person is reported missing or runaway.
- b. Officers completing the forms will route them directly to the Identification Section.
- c. When the wanted notice has been entered into the appropriate system (i.e., CCIC, NCIC, etc.), the DPD 252/110 will be returned to the issuing officer or agency. This form will be retained until the party is arrested, located or the case disposed of, or the vehicle is located or no longer wanted.

(2) ITEM ENTRIES IN NCIC/CCIC:

To enter, modify, or cancel an item/property with a serial number, engraving, owner applied number, or unique description in NCIC/CCIC, an electronic 252B (Stolen/Recovered Guns/Articles/Securities), will be used. The electronic 252B is within the V-Mail module of the department's Record Management System (Versadex). NOTE: If an officer does not have access to the electronic version of DPD 252B, a paper version of this form can be completed and sent via inter-department mail to the Records Unit - attention pawn shop records.

- a. In Versadex, go to V-Mail module and select the NEW option.
- b. Select Mail Template and choose the appropriate category – Articles, Bicycles, Guns or Security.
- c. Fill in template with identifying information.
- d. Send the form to the HPAWN Handle and mark a copy for your records.
- e. Personnel in the Records Unit will receive and process the request by entering the data on NCIC/DCIC.

(3) DOCUMENTING UNIQUE IDENTIFIERS:

When submitting wants to the Identification Section on a DPD 252/110, or to the Records Unit on a DPD 252B, include any known numbers which are unique to the person, item or vehicle (i.e., DPD number, FBI number, social security number, driver's license number, military serial number, vehicle identification number, or serial number, etc.).

(4) OUTSIDE REQUESTS FOR ARRESTS:

When personnel from outside jurisdictions call by telephone and want pickups made of subjects who are thought to be in our jurisdiction, the requesting state or local county will be informed that the telephone call must be immediately confirmed by teletype, NLETS message or a letter with a certified copy of their warrant. A specific individual must be named who is placing the want and not merely the agency. Calls should be made to the Fugitive Unit during normal business hours or to Denver 911 during after-hours.

(5) RESPONSIBILITY FOR INITIATING CANCELLATIONS:

- a. The arresting officer is responsible for canceling the want on a subject brought to the Identification Section prior to being jailed or being served an order in. If the party is ordered-in, this should be indicated on a DPD 252/110 when the want is canceled.
- b. When a warrant is canceled by FAX, Identification Section personnel will cancel the DPD 252/110 and sign the original warrant per the arresting officer.
- c. Missing persons or runaways
The Juvenile Section or Missing and Exploited Persons Unit will be responsible for initiating the cancellation upon the location or apprehension of a missing person or runaway.
- d. The initiating officer is responsible for canceling a want in cases when the suspect is not arrested or is no longer wanted, or the vehicle/property is recovered or no longer wanted.
- e. Cancellations will be made immediately upon determining that the person, property, or vehicle is no longer wanted.

(6) CANCELLATION OF WANTS:

- a. A want can be canceled and removed from the computer systems only after an officer cancels the DPD 252/110.
- b. If a wanted party is located without being arrested, the case is disposed of, or the vehicle is located or no longer wanted, the issuing officer must respond to the Identification Section and cancel the DPD 252/110 in order that the information may be cleared from the computers.
- c. When a wanted item is placed in the Evidence and Property Section or located in a pawnshop, personnel in the Records Unit will notify the assigned detectives. The detective initiating the want on property items is responsible for canceling it when the items are recovered or no longer wanted.
- d. Upon identifying a person arrested as being the subject of a wanted notice, the arresting officer will cancel the want and Identification Section personnel will make notification to the issuing officer.
- e. The person completing the cancellation will write his/her name, serial number and agency requesting the cancellation on the line designated "Canceled By".

(7) PURGING WANTS AND WARRANTS:

The Identification Section will maintain a purge of the central want and warrant file. Old or outdated wants will be returned to the issuing officer for updating. A stamp marked "cancel or still wanted" will be used for this purpose. The issuing officer will return the want to the Identification Section after indicating that the want is to be canceled or retained.

(8) NOTIFICATION WHEN ARREST MADE OR WARRANT CANCELLED:

It is the responsibility of the Identification Section to notify the appropriate investigative section when a suspect listed on a warrant is cancelled or the suspect is arrested. This will be done by forwarding a copy of the DPD 252/110 cancellation form to the issuing detective's investigative assignment.

(9) JUVENILES AND MISSING PERSONS – SEE OMS 308.11 AND 401.00

104.12 INVESTIGATIVE ORDER-INS

- (1) **FORM:**
A Request to Appear (DPD 75) will be used for all order-ins to investigative units.
- (2) **REQUIRED INFORMATION:**
The order-in will specify the location and time of the order in, and the nature and location of the offense.
- (3) **SPECIFIED TIME:**
Order-ins will be made for 0930 hrs on the next working day, unless otherwise specified by policy or the assigned detective.
- (4) **SERVICE AND COPIES:**
After the form is signed, one (1) copy of the Request to Appear (DPD 75) will be served to the person ordered-in. The remaining copies and additional details of the offense are to be forwarded to the section or unit concerned with the offense. The paperwork must reach the proper investigative unit prior to the appearance of the person ordered-in.
- (5) **JUVENILES - SEE OMS 401.05**

104.13 ARREST OF POSTAL EMPLOYEES OR PERSONS OPERATING TRAINS OR TRANSIT BUSES

- (1) **MINOR VIOLATIONS:**
Officers will not take into custody for a minor violation, a postal employee engaged in the collection or distribution of mail, or a person operating a train or transit bus. Instead, the individual will be summoned to appear in Denver County Court or ordered to report to a commanding officer for further investigation of the case. NOTE: See OMS 202.01 for policy concerning traffic violations.
- (2) **FELONIES:**
Persons operating a train, transit bus, or postal vehicle when suspected or accused of a felony or serious misdemeanor, may be taken into custody. The officer will ensure that an immediate notification is made to the arrestee's supervisor so that arrangements can be made for disposition of equipment operated by the arrestee. If there will be a delay in the arrival of a responsible person, a second officer will respond to act as a guard until a responsible person arrives.

104.14 ARRESTS ON FEDERAL PROPERTY AND RELATIONS WITH OTHER AGENCIES

- (1) **FEDERAL PROPERTY:**
 - a. **Dedicated Property:**
Denver police officers do not have legal authority to investigate crimes on any dedicated federal property. Upon request of officials in charge of these buildings/locations, the Denver Police Department will assist when reasonable and necessary. Locations include:
 - United States Mint (320 West Colfax Avenue)
 - U.S. Custom House (721 19th Street)
 - Byron White US Courthouse (1823 Stout Street)
 - Fort Logan National Cemetery (4400 West Kenyon Avenue)
 - VA Eastern Colorado Health Care (1055 Clermont Street)
 - b. **Non-Dedicated Property:**
Denver police officers do have legal authority to enforce state laws and municipal ordinances on non-dedicated federal property. Enforcement at any of these locations will be upon request and with a signed complaint of the federal employee in charge. Locations include:
 - Byron Rogers Federal Building (1961 Stout Street)

- Federal Reserve Bank (1020 16th Street)
- U.S. Postal Facilities
The U.S. Postal Inspector's Office should be notified of all issues listed below that occur on postal property or involve postal personnel, vehicle accidents, or relate to postal activities.
 - Threats to do harm, attempted harm or actual harm to a postal employee or a postal customer (murder, assault, weapon, attempted.)
 - Dangerous item in or near a postal facility (such as bomb unit called, leaking parcel, etc.)
 - Damage to a postal facility (vehicle drove through front entrance, explosion, etc.)
 - Theft from a postal facility (robbery/burglary)
 - Matters related to mail theft (stolen mail observed or recovered, etc.)
 - Postal vehicles involved in fatality accidents.
- Additions to the U.S. Mint (property outside the fenced area of mint facility)
- Veteran's Affairs Administration (820 Clermont Street)

(2) VETERAN'S AFFAIRS ADMINISTRATION:

Officers have full policing authority at the Veteran's Affairs Administration (820 Clermont Street).

- a. In the event the Denver Police Department has warrants to be executed on a VA controlled premise, the Denver Police Department will notify the VA Police prior to, or upon entering Veterans Administration Hospital property, if circumstances permit.
- b. In the event it is necessary to search for missing patients who by virtue of their physical or mental condition are dangerous to themselves or others, the Denver Police Department will assist the VA in attempting to locate and return the at-risk patient.

(3) BOUNDARIES OF DOWNTOWN FEDERAL PROPERTY:

The federal property in the three-block complex, 18th to 20th, Stout to Champa Streets, and 19th to 20th, California to Stout Streets, starts 16 feet from the curb line in all blocks, except 19th to 20th on Champa Street where the federal property begins 15 feet from the curb line on Champa Street.

(4) COOPERATION - OTHER PUBLIC AGENCIES:

Officers will cooperate with all law enforcement agencies, other city departments, public service organizations, and will give aid and information to such organization(s), consistent with department policy.

104.15 TRESPASS ARRESTS ON BNSF PROPERTY

(1) AUTHORIZATION:

By written consent (unless rescinded) officers are authorized to enter BNSF property for the enforcement of grade crossing and trespass laws through arrest, citation, or other lawful means. A copy of the consent letter is available in PowerDMS.

(2) SAFETY:

Officers should use extreme caution while on railroad property due to moving trains. Questions or concerns about entering railroad property in a safe manner should be directed to the BNSF Railway Police Resource Operations Call Center (1-800-832-5452 - option 3: non-emergency or option 1: emergency).

104.16 ARRESTS FOR WEAPON RELATED CHARGES

(1) KNIFE:

When a person is arrested for carrying a knife as a concealed weapon (DRMC 38-117 (a)) or for carrying a knife which is prohibited (DRMC 38-119): Charge the person directly with the violation of the appropriate municipal code violation and then jail or order the individual into court.

(2) FIREARM OR DANGEROUS WEAPON – PREVIOUS OFFENDER:

When an adult or juvenile is arrested for carrying a firearm or for carrying a dangerous weapon or illegal weapon (as defined in CRS §18-12-102) and has been convicted of a felony and no other offense will be charged, the officer will notify the Gang Section. In the absence of a Gang Section officer or detective, the on-call Gang Section detective may be contacted for the purpose of determining charges to be placed. See OMS 104.01(24) and 109.02(2).

a. Possession of weapon by previous offender:

The person's record will be checked to determine if the criteria are met for a violation of Possession of Weapons by Previous Offenders (CRS §18-12-108). If the person is in violation of the state and/or federal statute, the officer will:

1. Make a General Occurrence (GO) report, titled "Possession of a Weapon by a Previous Offender" and jail for investigation.
2. Route all reports to the Gang Section with a "notify" to the Robbery Unit.
3. The Gang Section supervisor will determine if federal charges apply and if so, will then forward the case to the Bureau of Alcohol, Tobacco, Firearms and Explosives for review.
4. If determined that a federal weapons violation has not occurred and no other federal or state charges apply, the Gang Section supervisor will ensure that appropriate city charges be placed against the defendant.

b. Possession of Weapons by Previous Offenders in conjunction with other charges:

If the elements fit the criteria for violation of Possession of Weapons by Previous Offender (CRS §18-12-108) Possessing a Dangerous or Illegal Weapon (CRS §18-12-102) or Possession of a Defaced Firearm (CRS § 18-12-103) and other charges exist, to include but not limited to; homicide, aggravated robbery, aggravated assault, sexual assault, possession of a controlled substance, burglary and auto theft, the officer will:

1. Contact the on-duty or on-call supervisor of the appropriate investigative unit.
2. The affected investigative unit supervisor will ensure that the appropriate weapons charge is filed in conjunction with the primary offense.
3. Route the report to the appropriate investigative unit with a "Notify" to the Gang Section. The Gang Section will consult with federal authorities to determine whether federal charges will apply.
4. Cases that will be filed by the affected investigative unit will follow standard investigative protocol.

(3) POSSESSION OF DANGEROUS OR ILLEGAL WEAPON:

When an adult is arrested for Possessing a Dangerous or Illegal Weapon (CRS §18-12-102), the officer will:

- a. Make a General Occurrence (GO) report titled "WEAPON – POSS ILLEGAL/DANGEROUS" if the weapon involved is classified as a dangerous weapon and route the report to the Gang Section.
 - NOTE: CRS §18-12-102 (1) defines "dangerous weapon" to be a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

- b. Make a General Occurrence (GO) report titled "WEAPON – POSS ILLEGAL/DANGEROUS" if the weapon involved is classified as an illegal weapon and route to the respective district investigative unit.
- NOTE: CRS §18-12-102 (2) defines "illegal weapon" to be a blackjack, gas gun, metallic knuckles.

(4) UNLAWFUL CARRYING OF A CONCEALED WEAPON – STATE CHARGES:

If an individual is arrested for Unlawfully Carrying a Concealed Weapon (CRS §18-12-105) and has no previous felony convictions, domestic violence restraining orders, or state domestic violence convictions, the officer will jail the individual and complete a GO report and all necessary arrest paperwork.

(5) JUVENILE IN POSSESSION OF A WEAPON:

- a. Firearm, handgun, dangerous weapon:

When the person arrested is a juvenile in possession of a firearm, handgun or dangerous weapon as defined by the statutes below and no other offenses are present, the officer will notify a Gang Section supervisor or in their absence, the on-duty or on-call Gang Section detective.

The weapon possessed by the juvenile must fit the below criteria:

- Firearm means any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges. CRS §18-1-901(3)(h)
- Handgun means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches. CRS §18-12-101 (1) (e.5)
- Dangerous Weapon means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife. CRS §18-12-102(1)

- b. Deadly weapon:

Possessing weapons that do not fit criteria in section a. above, but fit the definition of a deadly weapon as defined by CRS §18-1-901(3)(e), may provide for charges in connection with offenses requiring a deadly weapon. These offenses include but are not limited to possession of a weapon on school grounds. NOTE: If the case involves a firearm, contact a Gang Section supervisor, or in their absence, the on-call Gang Section detective to determine the offense to be charged.

- c. Illegal weapon:

If a juvenile is arrested for possession of an illegal weapon, or other state charges and the weapon violation is an additional charge, the case will be handled by the appropriate investigative division, section or unit.

- d. Charges – weapons related offenses:

Charges may include but are not limited to:

- CRS §18-12-102 – Possessing a dangerous or illegal weapon
- CRS §18-12-105.5 – Unlawfully carrying a weapon – unlawful possession of weapons – school, college, or university grounds
- CRS §18-12-108.5 – Possession of handguns by juveniles

- e. Reporting limitations:

A General Occurrence (GO) report will not be completed where the only charge is possession of any weapon defined as a deadly weapon (e.g., B-B gun, which does not fit the definition of a handgun or firearm set forth in CRS §18-12-101(1)(e.5) or CRS §18-1-901(3)(h)), with the following exceptions:

1. When the weapon is used in a menacing manner.
 2. When the weapon is carried on school grounds. In such cases the School Violence Unit should be consulted. If the School Violence Unit is not available, a supervisor should be contacted for a decision.
- f. Municipal code violation:
If state charges do not apply or exist, the juvenile may be cited for a municipal code violation.

(6) FIREARMS PLACED IN THE EVIDENCE AND PROPERTY SECTION:

When a firearm is placed into the Evidence and Property Section, the commanding officer of the Evidence and Property Section (or designee) will ensure that a copy of the invoice is forwarded to the Bureau of Alcohol, Tobacco, Firearms and Explosives so that a gun trace can be conducted. No firearm will be released through the Evidence and Property Section until a gun trace is completed and criminal background check run on the person requesting the firearm to ensure they are not prohibited by state or federal law to possess a firearm.

104.17 PROCESSING PERSONS WITH A MENTAL ILLNESS

(1) DEFINITIONS:

CRS §27-65-102:

(9) "Gravely disabled" means a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about or providing for his or her essential needs without significant supervision and assistance from other people. As a result of being incapable of making these informed decisions, a person who is gravely disabled is at risk of substantial bodily harm, dangerous worsening of any concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of his or her essential needs that could result in substantial bodily harm. A person of any age may be "gravely disabled", but such term does not include a person whose decision-making capabilities are limited solely by his or her developmental disability.

(14) "Person with a mental illness" means a person with one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. Developmental disability is insufficient to either justify or exclude a finding of mental illness within the provisions of this article.

(17) "Professional person" means a person licensed to practice medicine in this state, a psychologist certified to practice in this state, or a person licensed and in good standing to practice medicine in another state or a psychologist certified to practice and in good standing in another state who is providing medical or clinical services at a treatment facility in this state that is operated by the armed forces of the United States, the United States public health service, or the United States department of veterans affairs.

(19) "Respondent" means either a person alleged in a petition filed pursuant to this article to have a mental illness or be gravely disabled or a person certified pursuant to the provisions of this article.

CRS §27-65-105 Emergency Procedure:

(a) (I) When any person appears to have a mental illness and, as a result of such mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then a person specified in subparagraph (II) of this paragraph (a), each of whom is referred to in this section as the "intervening professional", upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

(2) PROCESSING PERSONS WITH SUSPECTED MENTAL ILLNESS:

- a. Officer initiated action – No criminal charges or warrants for respondent:

1. Individuals taken into protective custody will be handcuffed, searched, seat-belted, and transported following all department policy and procedures required for an arrestee.
 - Individuals not meeting the criteria of having suicidal ideation, homicidal ideation, or meeting grave disability but still in acute mental health crisis can be transported to the Denver Walk-In-Crisis Center. Officers can drop individuals off with trained mental health staff and security to further evaluate for safety and determine over the course of 24 hours if the client is stable enough to go back in the community or needing to be placed on an M1 and transported to the hospital. It is requested that police explain the situation to staff of the walk-in crisis center prior to leaving property
 - The respondent will be transported to Denver Health Medical Center (or other authorized facility when DHMC is on divert status) by the officer(s) effecting custody for further assessment and/or treatment (absent any medical concerns or any impairment due to drugs and/or alcohol.) NOTE: If there is a medical concern or an impairment due to drugs and/or alcohol, an ambulance will be requested to assist in the transport.
 2. Emergency Mental Illness Report and Application (M-1):

This form is completed whenever a person is taken into custody for suspected mental illness. NOTE: A Record of Sick and Injured Persons Report (DPD 150) will also be completed, using the definitions of this policy, and will be distributed per the form instructions.

Distribution of the M-1 is as follows:

 - Original: Hospital Staff
 - 1st copy: Respondent
 - 2nd copy: Scanned into the GO Report
 3. Officers will complete a General Occurrence (GO) report detailing the circumstances of the contact, which will include the perceived mental/behavioral health concerns that need further review and/or screening.
 - a. The GO report will be titled to reflect the appropriate incident type (i.e., suicide, letter to detective, welfare check, etc.)
 - b. Officers will conduct a thorough investigation of the respondent's environment and will include any information provided by witness(s), family members, professionals, and/or service providers. Officers will also note the respondent's appearance, presentation, and/or any statements made.
 - c. Investigative supervisors are responsible for reviewing, properly closing, or routing the report to the appropriate unit. Additionally, investigative supervisors will notify Crisis Services via email (co-responders@MHCD.org) with the case number of each GO report related to suspected mental/behavioral health concerns.
- b. Officer initiated action – criminal charges or warrants for respondent:
1. When an arrestee is known, or suspected of being suicidal, homicidal, or to have significant mental/behavioral health concerns, the arresting officer will complete all required arrest reports and the Arrestee Mental Health Status/Suicidal/Homicidal Tendency Report (DPD 707). The report will include:
 - a. The signature of the arresting officer.
 - b. The name and badge number of the receiving Denver sheriff deputy, including the date and time of custodial transfer.

2. The form will be distributed as follows:
 - White copy: Denver Sheriff Department
 - Pink copy: Will accompany the arrestee's charging documents for inclusion in the court file
 3. Arrestees with suspected or known mental/behavioral health concerns will be transported directly to the Detention Center via the arresting officer. The arrestee will not be transported via the Denver Sheriff Department scout van or placed into a district station temporary holding cell.
- c. Officer(s) receiving a call to assist a *professional person*:
1. Officers will assist any professional person requesting aid in effecting custody of a respondent, if the professional person presents the officer with positive identification, including identification bearing the person's professional license number. The officer must be satisfied with the authenticity of this identification.
 2. At least two officers will be dispatched to a call of this nature.
 3. The professional person will meet the officers at or near the respondent's location and provide an Emergency Mental Illness Report and Application (M-1). The professional person should brief the responding officers of the situation, but if they fail to do so, officers will ask to be briefed. The discussion should include identifying any potential triggers or information needed to avoid escalating the situation.
 4. Officers will check to see that the report includes the professional person's signature, professional license number, location, and a phone number where the professional person can be reached in an emergency. Officers will also require that the report contain a notation (printed on the form or handwritten) stating that the officers are assisting only, not making the evaluation.
 5. Officers will take those reasonable measures necessary to take the respondent into protective custody; however, if a forced entry into a dwelling is required (and if time permits) a supervisor will be consulted.
 6. The professional person will be required to make positive identification of the respondent.
 7. Officers will take those measures necessary to protect themselves, the professional person, and the respondent. This will include a weapon search as well as the application of physical restraints when needed.
 8. Transporting the respondent:
 - a. The professional person is responsible for arranging transportation for the respondent. If the professional person transports the respondent him/herself, officers may follow them to the treatment facility.
 - b. The respondent will not be transported in a police vehicle unless there are city/state charges, warrants or other police holds. If the respondent is transported in a police vehicle, he/she will be handcuffed and secured with the safety belt.
 - c. An officer may accompany the respondent if he/she is transported by ambulance.
 - d. Officers will not respond to a mental health facility for the sole purpose of transporting a respondent to a treatment facility. The professional person must make his/her own arrangements for transportation.
 - e. A Record of Sick and Injured Persons Report (DPD 150) will be completed.

9. Officers will complete a General Occurrence (GO) report detailing the circumstances of the contact, which will include the perceived mental/behavioral health concerns that need further review and/or screening.
 - a. The GO report will be titled to reflect the appropriate incident type (i.e., suicide, letter to detective, welfare check, etc.)
 - b. Officers will conduct a thorough investigation of the respondent's environment and will include any information provided by witness(s), family members, professional persons, and/or service providers. Officers will also note the respondent's appearance, presentation, and/or any statements made.
 - c. The report will be routed as a "notify" to the Missing and Exploited Persons (MEP) Unit.
- d. Denver Sheriff Department deputies assigned to Denver Health Medical Center:
 1. The deputy on-duty in the emergency room is designated a special police officer with the power of arrest and is under the primary control of the Chief of Police.
 2. The deputy will supervise the respondent/arrestee until hospital admittance is completed.

104.18 SEX OFFENDER CONTACTS AND PROCESSING

(1) PURPOSE AND SCOPE:

The Sex Offender Registration Unit maintains and assists convicted sex offenders with registration compliance, educating the public about personal safety precautions, and training designated law enforcement on registration, notification, verification, and community education procedures. The unit conducts all investigations of noncompliant sex offenders, including locating noncompliant and absconded sex offenders and issuing warrants for failure to register of noncompliant offenders.

CRS §16-22-110 establishes the Colorado Sex Offender Registry. Accuracy of the registry depends on the tracking and reporting operations of Law Enforcement Agencies throughout the state. This section provides guidelines for the expedient reporting of contacts made with sex offenders. Prompt reporting will ensure appropriate actions are initiated in accordance with statute.

(2) CONTACT WITH CONFIRMED OR SUSPECTED SEX OFFENDERS:

- a. Prompt reporting by officers will ensure appropriate actions are initiated in accordance with CRS §16-22-110.
- b. Officers conducting a NCIC/CCIC clearance will receive notification through the CCIC Sex Offender Registry Information of the offender's registration status.
- c. Officers in contact with a sex offender will complete a street check containing the reason for the contact, and notes that confirm whether the offender's current information (i.e., address, employment, vehicle, phone numbers, etc.) matches the sex offender hit, and what jurisdiction the offender is registered with.
 1. If there are any differences in the information the offender provides, such as a change in address, officers will generate a Letter to Detective for "Failure to register as a sex offender" in place of the street check. The officer will issue the offender a Request to Appear for the following business day at 0900 hours to the Sex Offender Registration Unit, Police Administration Building, 1331 Cherokee Street.
 2. If there are no differences, officers will complete a street check and route it to the Sex Offender Registration Unit.

3. Vehicle information is extremely important to the tracking of sex offenders and officers should inquire about vehicles even when the subject is on foot. This information should be included in the street check.
 4. If an officer contacts a sex offender whose physical appearance is significantly different from his/her RMS (mugshot) photo (i.e., change in hair, facial hair, tattoo, piercings, etc.), officers will document this in a letter to detectives and route it to the Sex Offender Registration Unit. The officer will issue the offender with a Request to Appear for the following business day at 0900 hours to the Sex Offender Registration Unit, Police Administration Building, 1331 Cherokee Street, where an updated photograph will be taken of the offender.
 5. Arrests for registration violations will only occur when an active warrant exists or when directed by the Sex Offender Registration Unit.
- d. During any investigation or contact with an individual whose criminal history reveals an arrest for a crime that was sexual in nature, the officer will clear the individual through CCIC to determine if he/she is listed as a sex offender.
1. If the individual is not listed in the CCIC Sex Offender Registry, but the officer reasonably believes the person should be registered as a sex offender, the officer will document it in the street check and route it to the Sex Offender Registration Unit.

(3) SEX OFFENDER REGISTRATION UNIT:

- a. Required Reporting:
In the State of Colorado, upon conviction, the court of jurisdiction will normally enter sex offender information into the NCIC system. Upon registration with the City and County of Denver, the Sex Offender Registration Unit gathers required information from the offender and reports to the Colorado Bureau of Investigation (CBI). CBI ensures that all CCIC/NCIC data is updated accordingly.
 1. The Sex Offender Registration Unit works with all divisions, with emphasis on the Sex Crimes and the Missing and Exploited Persons Unit, in identifying sex offenders who may be suspects in other cases being investigated.
- b. Follow-up Investigations
The Sex Offender Registration sergeant is responsible for case management of all General Occurrence(s) or Letter(s) to Detectives related to sex offender registration violations.
- c. The Sex Offender Registration Unit is available Monday through Friday, 0800-1600 hours, excluding holidays. After hours, a supervisor or on-call detective is available through Denver 911.

(4) ADDRESS VERIFICATION OF REGISTERED SEX OFFENDERS:

- a. The Sex Offender Registration Unit is responsible for:
 1. Maintaining the schedule for address verifications of all sex offenders registered with the City and County of Denver.
 2. Completion of the majority of monthly house checks citywide; however, the unit relies on district officers to assist in completing the overflow in their respective district.
 3. Distribution of house checks to each district commander (or designee) for follow up and timely completion of the verification.
- b. Officers completing address verifications are required to complete, date, and sign the verification form. Officers are not required to complete additional street checks.

(5) DISSEMINATION OF PUBLIC INFORMATION:

The Sex Offender Registration Unit is responsible for the public release of local sex offender information in accordance with state law and the rules set forth by the Colorado Bureau of Investigation (CBI).

- a. Department personnel (those not assigned to the Sex Offender Registration Unit) will not unilaterally make a public notification advising the community of a particular registrant's status or presence in the community. Members of the public requesting information on registrants should be referred to the CBI Convicted Sex Offender website or the department's public website.
- b. Department personnel will not disclose juvenile sex offender statuses or any registration information related to such. Any public inquiry regarding juvenile sex offender status will be forwarded to the Sex Offender Registration Unit.
- c. All other inquiries or information not available via public sex offender websites are governed by the records disclosure and records management policies of this department – see OMS 109.04 and 109.05.

104.19 MISDEMEANOR CRIMINAL MISCHIEF AND GRAFFITI RELATED REPORTS/ARRESTS

(1) REPORTING REQUIREMENTS:

- a. General Occurrence (GO) report:
All graffiti related criminal mischief cases require the completion of a General Occurrence (GO) report, whether or not a suspect is arrested. The report will be titled Criminal Mischief (Graffiti).
 - All victims reporting graffiti will be provided with graffiti removal resources offered through Denver 311.
- b. The following additional reports are required for both felony and misdemeanor charges:
 1. MRE Arrest/Booking (when jailing).
 2. Probable cause statement.
 3. All witness statements, including the officer's.
 4. Photograph suspect to document his/her clothing and the condition of his/her hands at the time of the offense.
 5. Photographs of defaced property and document locations depicted.
 6. Collect and photograph all recovered evidence, to include the recovery of the suspect's clothing that may have paint/marker present.

(2) GRAFFITI RELATED MISDEMEANOR CRIMINAL MISCHIEF ARRESTS (WHEN DAMAGE IS LESS THAN \$1,000.00):

- a. Charge an adult suspect directly with the appropriate municipal violation (38-61 Damaging, Defacing or Destruction of Public Property or 38-71 Damaging, Defacing or Destruction of Private Property). Include a list of damages in the General Occurrence (GO) report and when possible the identification and contact information of a person who is qualified to make damage estimates.
- b. Contact the on-duty or on-call Graffiti Unit detective to determine if the suspect is someone they are looking for (e.g., prolific tagger).
- c. If an adult suspect does not possess valid identification or his/her identity cannot be verified, jailing the individual on a Unified Summons and Complaint / GO must be completed.
- d. The determination to incarcerate or issue a juvenile a request to appear will be made in conjunction with Graffiti Unit detectives and taking into consideration factors such as, but not limited to, verification of identity, the estimated damage amount, the suspect's prior graffiti involvement, and documented gang or tagging crew affiliation. Graffiti Unit personnel are available for consultation during normal business hours or can be reached after hours through Denver 911.

(3) POSSESSION OF GRAFFITI RELATED MATERIALS:

- a. Types of graffiti related material include, but are not limited to, broad tipped marker pens, glass etching tools and a can of spray paint.
- b. Juveniles contacted and found to be in possession of graffiti related material will be issued a Unified Summons and Complaint, with the charge of Possession of Graffiti Materials by Minors Prohibited (DRMC 34-66). The Graffiti Unit will receive a “notify” when a Unified Summons is issued.
- c. Adults contacted and found to be in possession of graffiti related material will be issued a Unified Summons and Complaint, with the charge of Possession of Graffiti Materials Prohibited (DRMC 38-102). The Graffiti Unit will receive a “notify” when a Unified Summons is issued.

(4) FELONY CRIMINAL MISCHIEF AND DEFACING PROPERTY:

When a suspect is arrested for a graffiti or tagging related offense and the damage is \$1,000 or more, he/she will be charged with criminal mischief (CRS §18-4-501 - felony). The other state charge applicable is defacing property (CRS §18-4-509, a Class 2 Misdemeanor).

104.20 AUTO THEFT AND THEFT FROM MOTOR VEHICLE INVESTIGATIONS

(1) DEPARTMENT RESPONSIBILITIES:

- a. Data concerning auto thefts are processed by personnel assigned to the Records Unit, who will verify reports of stolen cars, make all necessary NCIC/CCIC entries, keep records, notify owners of recovered vehicles and enter the data for stolen and recovered vehicles
- b. Detectives assigned to their respective district investigative unit are responsible for investigations relating to the theft of/or from motor vehicles, with the exception of vehicle crimes at DIA (detectives assigned to the Airport Police Division will handle these cases).
- c. The vehicle impound facility of the Denver Sheriff Department is responsible for custodial functions relating to the storage and release of impounded vehicles. However, all investigative matters and/or problems relating to stolen vehicles and the release of a stolen vehicle will be handled by the assigned detective.

(2) REPORTING AUTO THEFTS:

- a. An officer will be dispatched to personally contact the complainant on all General Occurrence (GO) reports for stolen vehicles.
- b. At the time an officer is sent to make a stolen car report, the dispatcher will air the following information.
 1. Year, make, model, color, license plate, and any distinguishing features
 2. Location, time, and date of steal
 3. Any suspect information or pertinent facts that might lead officers to the recovery of the vehicle and arrest of the suspects.
- c. In order to obtain the required information for a case filing, it is necessary to indicate on the report the year, make and model, exact license number and vehicle identification number, as shown on the registration certificate and/or title. Reports will be complete and should include a description of any accessories, special equipment and valuable contents, and a current phone number(s) for the listed victim/complainant.
- d. Officers should question complainants carefully to eliminate family quarrels over possession, pranks, repossessions, or other circumstances to ensure the validity of a criminal episode.
- e. Officers will as soon as possible create a GO report detailing the criminal event and electronically send it to the report approval queue. The officer will notify his/her supervisor, or any supervisor who can approve the report, and have it approved in a timely manner (less than 15 minutes). The

supervisor will notify the reporting officer that the report was approved. If there is a delay in finalizing the electronic report (supervisory approval delay or MRE system is down), officers will contact the Records Unit (Auto Theft) by phone and provide the pertinent information.

- If an officer has unusual or critical information not already detailed in the report, they will call Auto Theft Records personnel.
 - Auto Theft Records personnel will no longer create a "Fast Add" report, but will "transcribe" the report and check for errors.
- f. After taking the report, the officer will search the immediate area/neighborhood for the reported stolen vehicle.
- g. Officers will not complete and file a General Occurrence (GO) report under the following circumstances, but instead advise their immediate supervisor and make note of the circumstances on their log sheet.
1. When the investigation indicates the absence of the vehicle is the result of a family squabble over possession, a prank, or that the vehicle is possibly in the possession of another member of the family or business associate.
 2. The mental condition or emotional stability of the complainant is such that their statements are questionable, (i.e. when it is suspected that the complainant may be intoxicated).
 3. Any other circumstances that lead the officer to believe that it is not a true case of auto theft.
- h. Serious crimes in connection with auto theft:
If a serious crime occurs during the course of an auto theft, the reporting officer will call the Records Unit (Auto theft) and verbally provide information about the vehicle, including a request that it be held for prints. Records personnel will create a "Fast Add" report. The officer will complete a fully detailed report and route it to the Report Approval Queue, ensuring the vehicle is entered into NCIC as soon as possible.
Examples of auto thefts connect with serious crimes:
- Carjacking (aggravated robbery)
 - Kidnapping (vehicle stolen with child inside)
 - Auto Theft/Burglary
 - Auto Theft/Robbery
 - Weapons in stolen vehicle
 - Any other serious crime requiring immediate entry into NCIC/CCIC
- i. Reports for "Record Only":
1. A General Occurrence (GO) report, for Theft of Motor Vehicle will be used in circumstances when the victim's vehicle was stolen and subsequently recovered by the owner, or when recovered by a Denver police officer or another law enforcement agency before an official report was made by the victim.
 2. The recovery and vehicle information will be supplied to the Records Unit.

(3) RECOVERY OF STOLEN VEHICLES:

- a. When an officer locates a stolen vehicle, he/she will advise the dispatcher of the exact location and condition of the wanted vehicle.
- b. The officer will then contact Records Unit personnel who will attempt to contact the owner. Officers may also (at their discretion) attempt direct communication with the owner.
 1. If the owner cannot be contacted, the vehicle will be impounded.

2. If the owner is contacted, Auto Theft Records will advise the owner they can respond to the location of recovery to personally take possession of his/her vehicle. If the owner is unable to respond in a timely manner, typically thirty (30) minutes, the vehicle will be impounded for safe-keeping.
- c. Records Unit personnel will advise the officer if the owner is responding and the time of contact. If the owner of the vehicle or his/her representative has not arrived within 30 minutes, the officer may impound the vehicle. Before ordering a tow, the officer should consider the following:
 1. The distance the owner has to travel.
 2. The time of day, weather and road conditions.
 3. The calls for service pending in the officer's area or district.
 4. The presence of a large amount of personal property in the vehicle which must be taken to the Evidence and Property Section and inventoried.
- d. Officers will complete an Impounded/Recovered Vehicle Report (DPD 224) on all stolen vehicles released to an owner or representative at the location of recovery.
 1. When a stolen vehicle is recovered in any of the Denver International Airport parking lots, the officer will also sign a Receipt for Stolen Vehicle form, provided by airport authorities, acknowledging the removal of a particular vehicle. The original will be given to the parking lot attendant. The remaining three (3) copies will be turned in to the airport security officer for proper distribution.
 2. In all cases, the completed Impounded/Recovered Vehicle Report (DPD 224) will be forwarded via inter-department mail to the Records Unit for scanning into the case file.
- e. When a previously reported stolen vehicle is recovered and parts or articles are determined by the owner as having been taken while the car was stolen, the responding officer will complete a Supplemental Add Report by means of the Mobile Report Entry (MRE). Officers will not make a new theft from motor vehicle or criminal mischief report. Instead, the same case number from the original motor vehicle theft report will be used.
- f. Outside agency recovery of occupied/unoccupied vehicles stolen in Denver:

When a vehicle reported stolen from Denver, with or without occupants, is recovered by another agency, that agency will contact DPD Records Unit via teletype to verify the want and remove the vehicle from NCIC.
- g. Recovery of occupied vehicles stolen outside of Denver (outside steal):

When an "outside" steal with occupants is recovered in Denver, the primary officer will complete a General Occurrence (GO) report using the location of the recovery as the location of the offense.
- h. Recovery of unoccupied vehicles stolen outside of Denver (outside steal):

When an abandoned outside steal is located, it will be impounded and the officer will complete a street check, selecting 'Outside Steal' from the menu options. The officer will not place a hold on the vehicle unless there is a specific request to do so.

 1. If the owner is readily available, the vehicle may be released at the scene. In addition to the street check, the officer will complete an Impounded/Recovered Vehicle Report (DPD 224).
 2. The officer will call Auto Theft Records to remove the vehicle want from NCIC prior to releasing the vehicle.
- i. Processing Motor Vehicles for Evidentiary Items – See OMS 106.06(8).

(4) REPOSSESSION OF AUTOMOBILES:

The repossession of a car is a civil matter and the only legal authority of the police is to prevent a breach of the peace or to take action if a criminal violation occurs.

- a. If the person attempting to repossess the vehicle has no court order, officers should advise him/her to obtain one to prevent a breach of the peace.
- b. If the person attempting to repossess the vehicle has a court order, officers should advise the registered owner that it would probably be best to allow the vehicle to be taken, with the option of initiating legal action if he/she believes they have been wronged. Officers should also inform the registered owner that a refusal to release the vehicle could result in a contempt of court charge. If this person still refuses to let the vehicle be taken, officers should advise the person attempting to repossess the vehicle not to take the car, with an option of initiating contempt proceedings. The court order referred to is a Writ of Replevin.
- c. Under no circumstances can property be removed from a structure (i.e., house, garage, etc.) for the purpose of repossession without the registered owner's permission or a Writ of Replevin (carried out by the sheriff department).
- d. If the registered owner of an automobile which has been repossessed has any questions concerning the legality of such repossession, they should be advised to consult an attorney.

(5) CONCEALMENT AND/OR REMOVAL OF MORTGAGED VEHICLES - CRS §18-5-504:

- a. Patrol officers will not make a report but will direct the complainant to respond to, or call the appropriate district or DIA investigative unit during normal business hours to speak with a detective. Officers may also call the appropriate district investigative unit to obtain further direction for the complainant.
- b. A detective will interview the complainant, and:
 1. Request a copy of the mortgage agreement.
 2. Request details of what efforts the complainant has made to recover the vehicle.
 3. Examine the agreement for specific conditions regarding the location of storage, maintenance, etc., of the vehicle in question.
 4. Attempt to determine if the actions taken to remove or conceal the vehicle are in violation of CRS §18-5-504.

(6) THEFT OF RENTAL PROPERTY (INCLUDING MOTOR VEHICLE) – CRS §18-4-401 (E):

- a. Colorado Revised Statute 18-4-401(e) requires seventy-two (72) hours to elapse beyond the time rented property is to be returned as an element of the crime "Theft of Rental Property".
- b. Complainants will be advised to wait the required 72 hours before making a report, except when a motor vehicle is leased, rented or loaned, and there has been any overt act or omission which indicates the lessee does not intend to return the vehicle, such as knowledge that the vehicle has or is being altered, sold, or moved out of state.
 1. In such cases officers will complete a GO report titled, "Theft-Failure to Return" without the required 72 hours elapsing.
- c. In circumstances not involving an overt act or omission, if the required time period has elapsed, and a motor vehicle dealer or individual has made every reasonable effort to regain possession of a vehicle loaned out for demonstration or other purpose, or whenever a rented vehicle has not been returned as agreed by the parties concerned, officers will complete a GO report titled, "Theft-Failure to Return."
- d. Rental agreements
When completing a GO report, officers will obtain a copy of all rental agreement paperwork which includes:
 1. Date and time the vehicle was rented
 2. Return due date and time
 3. Identity and date of birth of person renting the vehicle

4. Renter's driver's License number and state of issue
5. Agent's name who rented the vehicle and a completed written statement
6. Any attempt(s) to contact renter by telephone, text, email, etc.
- e. Victim order-ins
 1. Officers will order victims into the appropriate district or DIA investigative unit.
 2. Victims, who do not have the rental agreement when the initial GO report is completed, will be advised to bring it with them to the order in).
- f. NCIC/CCIC
The assigned detective will review the documents, determine the validity of the claim and if necessary present the case to a deputy district attorney, who will determine if it is acceptable for filing. If valid, the detective will ensure data entry of the stolen vehicle into NCIC/CCIC will occur through standard Versadex and Records Unit procedures.

(7) EQUITY SKIMMING OF A VEHICLE – CRS §18-5-803:

Equity Skimming is defined as a person obtaining control over the vehicle of another and then selling or leasing the vehicle to a third party without written authorization from the secured creditor, lessor or lien holder, in effect "subletting" a vehicle.

- a. Uniformed officers will not make a General Occurrence (GO) report, but will direct the complainant to contact or respond to the appropriate district or DIA investigative unit during normal business hours to speak with a detective. Officers may also call the appropriate district or DIA investigative unit to obtain further direction for the complainant.
- b. The assigned detective will interview the complainant, determine if the case meets the statutory requirements and make any necessary reports.

(8) VIN INSPECTIONS:

- a. Regular VIN Inspection:
 1. All vehicles with out-of-state ownership documents must have the vehicle identification numbers (VIN) inspected by any duly constituted peace officer of a Colorado law enforcement agency, licensed automobile dealer, or any of the Air Care Colorado Emissions Inspection Stations before the vehicle is titled in Colorado.
 2. Regular VIN Inspections can be done by any Denver police officer, as time allows, during his/her normal tour of duty. The inspection will be done only on vehicles that have been previously titled in another state, and on the form provided by the Division of Motor Vehicles Title Section of the Colorado Department of Revenue.
- b. Certified VIN Inspections:
 1. Vehicles with a bonded title, homemade vehicles, rebuilt vehicles, salvage titles and other such vehicles as stipulated by the Colorado Revised Statutes, require the VIN inspections to be completed by certified VIN inspectors ONLY.
 2. Individuals requesting certified VIN Inspections will be referred to the Colorado State Patrol webpage for the list of certified Colorado VIN Inspection locations.
<https://www.colorado.gov/pacific/csp/get-vin-inspection>

104.21 ANIMAL RELATED INCIDENTS

(1) PURPOSE:

The Denver Police Department understands that all animals, especially the domesticated animal population, have a right to life and recognizes the complexity of the human-animal relationship. In order to address incidents that arise from human-animal interaction within the context of applicable statutes,

municipal codes and regulations, officers are reminded to use reasonable discretion when encountering animal related incidents.

Officers will take into account their own safety, the safety of others in the area in any animal related incident. When reasonable, officers will make every attempt to allow the owner to bring their animal under control and/or remove their animal from the immediate area before taking enforcement action. Officers will take into account their own safety, the safety of others in the area and the feasibility of allowing the owner to act considering the totality of the circumstances; including the presence of an animal control officer and/or any circumstances that prevent such a response.

Officers will need to make their own initial assessment of each animal related incident in order to formulate the appropriate response based on the behavioral traits of the animal and the environment. The size and/or breed of the animal are often inappropriate indicators. Officers should be mindful that domesticated animals are accustomed to human interaction and that it is common for a domesticated animal to run towards, jump and/or make an audible sound as a form of greeting rather than aggression. Officers need to differentiate between common behaviors associated with domesticated animals and those behaviors that put the officer and/or other persons in imminent danger.

Common canine behaviors:

- Canines that are frightened often are low to the ground, have their tail tucked between their legs and the ears may be flat against the head.
- Canines that are barking/lunging and that are restrained by a barrier (e.g., fence, chain, rope) are often the highest risk to bite out of frustration or protection of territory. The best strategy is to maintain a safe distance. An unrestrained canine that communicates in the same way is conveying a warning, not necessarily intent to bite. Warnings that aren't headed may lead the canine to bite.
- Canines are stimulated by quick movement and will chase any rapidly moving object. Running from a canine stimulates chasing behavior, which may escalate to grabbing and biting.
- Canines that are snarling (tensing their lips to expose their teeth) and growling are conveying the clearest and strongest of warnings. A growling canine should not be approached.

When officers have sufficient advanced notice that a potentially dangerous domesticated animal may be encountered, such as the serving of a search warrant, officers will develop a reasonable contingency plan for dealing with the animal without the use of deadly force. When the officer reasonably believes, based on the facts and circumstances, that the animal on which the force to be used poses an immediate threat of injury to the officer or another individual, he/she will apply and use the minimum amount of force necessary to bring the animal under control.

Nothing in this policy will prohibit any officer from resorting to lethal force to control a vicious or dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impracticable. However, serious damage to community trust can result when an officer's assessment of the use of lethal force as reasonable and necessary is challenged by witnesses, the animal's owner, or a video recording of the event. Officers can mitigate liability and harm to themselves, fellow officers, bystanders and community perception by attempting to diffuse potentially harmful situations without the use of lethal force.

Non-lethal options:

- Batons, flashlights and/or clipboards can all be used to block or redirect an attack. In addition, these items can be used in lieu of a bite stick.
 - Fire extinguishers produce noise, cold and an expanding cloud – a combination that frightens canines.
 - Oleoresin capsicum (OC) spray is highly effective and can be sprayed from a great distance.
 - An ERD/TASER must be deployed differently than with humans. The canine's body mass is parallel to the ground, therefore to properly use the device it must be held sideways so that the probes fire
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horizontally and in line with the canine's body. The ERD/TASER should be used sparingly as it can cause serious death or injury to the animal.

(2) INJURIES CAUSED BY ANIMALS:

- a. Officers will render first aid and call for EMS, if necessary. If the injury involves an animal bite and immediate first aid is not required, the person will be advised to seek medical attention at the earliest opportunity.
- b. If the bite was sustained from a domesticated animal, officers will attempt to locate the owner and advise them that all animal bites must be reported to the Denver Animal Control Services (720-913-1311) within twelve (12) hours so that the animal can be impounded for rabies observation. Victims and/or legal guardians will be advised of the same.
- c. Victims that have sustained an animal bite from a wildlife animal (e.g., skunks, raccoons) will be advised to report the incident to the Colorado Department of Public Health and Environment:
 - Regular hours (0830-1700, M-F (except holidays): 303-692-2700
 - After hours, weekend, holidays, non-emergency: 877-518-5608
 - After hours, weekend, holidays, emergencies: 303-370-9395

(3) DEAD ANIMALS:

Officers will report the location of any carcass or remains of dead animals to the dispatcher.

- a. If there is evidence of criminal activity, the officer will complete a General Occurrence (GO) report, photograph the animal and collect any relevant evidence. The officer will request the removal of the animal through Denver 911.

(4) INJURED ANIMALS:

- a. Officers encountering any injured domesticated animal will make all reasonable attempts to contact the owner or responsible party.
- b. If the owner cannot be located, the officer will advise Denver 911 of the location and request assistance from the Denver Animal Control Services.
- c. Officers will use discretion when rendering aid to an injured animal. Animals that have sustained an injury are often fearful of further attack and/or injury and may become aggressive if not approached with caution. When making this decision, officers will consider the totality of the situation, to include the nature of the injury, whether the animal is an immediate danger to the community, the behavior the animal is exhibiting and whether the officer is capable of dealing with the type of injury. Officers will be mindful of the perception of the public when utilizing their discretion.

(5) CRUELTY TO ANIMALS:

Personnel assigned to the Denver Animal Shelter investigate cases of cruelty to animals, neglect, abandonment or poisoning. The Domestic Violence Unit will investigate when cases of cruelty to animals is part of a domestic violence incident (e.g. an animal is injured for the purpose of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship). If the animal was killed, officers will follow protocol for scene documentation, recovery of the corpse and preservation for necropsy.

(6) KILLING OF ANIMALS:

Officers may kill any vicious or dangerous animal that is an immediate danger to life, or which requires a humane ending to its suffering from serious injuries. If the animal in question has bitten someone, the officer will try and keep the animal's head intact as examination of the brain can determine if the animal was rabid.

- a. When an officer discharges a firearm in order to kill an animal, he/she will maintain their firearm in its condition at the conclusion of the event, making no changes to the firearm, except to make it safe.
- b. Empty magazines, speed loaders, spent shell casings etc, will remain where deposited, and will be documented and collected during crime scene processing.
- c. The involved officer will maintain custody of their firearm and the responding homicide detective, under the advisement of his/her sergeant, will decide if the firearm is to be relinquished.
- d. If the firearm is not relinquished, the responding homicide detective will ensure the weapon is documented prior to the involved officer being released from the scene.
- e. If the firearm is to be relinquished see, OMS 105.04 (4) d.

(7) WILD ANIMALS:

The Colorado Department of Wildlife will be contacted to have representatives respond to the scene to control and capture such animals.

(8) LOOSE LIVESTOCK:

- a. Vehicular traffic should be slowed or stopped to allow any roaming or grazing livestock to be herded off the roadway.
- b. Assistance in herding, transporting and corralling is available from the Brand Inspection Division of the Colorado Department of Agriculture and/or the Denver Police Mounted Patrol Unit. On-call representatives are available through Denver 911.

(9) NUISANCE COMPLAINTS:

- a. In order to file a nuisance complaint, the complainant may:
 1. Appear in person at the Denver Animal Shelter during normal business hours; or
 2. Submit a complaint via DenverGov; or
 3. Call Denver 311 for further information

To process a complaint, animal control officers need the date and time of the most recent nuisance, the address where the animal is located, and a description of the animal. Animal control officers follow a prescribed process for addressing animal nuisances based on the type of violation. Advisements, mediation and enforcement may be used depending on circumstances.

- b. Police officers are authorized to issue a US&C when he/she personally observes violations of DRMC 8-46 (Barking Dogs), 8-47 (Disposition of Excrement), and 8-48 (Damaging Property).
- c. Complaints concerning property damage caused by wildlife will be referred to the Colorado Department of Wildlife.

(10) POLICE ASSISTANCE AT ANIMAL RELATED CALLS:

- a. All calls for service requiring animal control officers will be dispatched by the Denver Health Medical Center dispatchers at Denver 911.
- b. Denver police officers will respond to the following:
 1. Canine bites or vicious dog complaints; when the canine is a present threat to life or additional injury.
 2. When persons resist the lawful duties of an animal control officer, officers will take the necessary action to assist in identifying the owner, issue a summons, impound an animal and/or any other necessary action.
 3. In cases of serious injury, when other assistance is not available, the police department will respond to the scene.

(11) SERVICE ANIMALS:

- a. The Americans with Disabilities Act of 1990 (ADA) defines service animals as any dog that is individually trained to work or perform tasks for people with disabilities. Service animals are working animals and provide aid to individuals with a wide array of disabilities. These include, but are not limited to, physical, sensory, psychiatric, intellectual or other mental disabilities.
NOTE: Trained behaviors in crime deterrence, comfort, companionship, emotional support or other similar tasks do not qualify as service animals under the ADA.
 1. The task a service dog performs must be directly related to the disability. For example, the dog may assist a visually impaired individual with movement, provide physical support to those with mobility concerns, alert an individual to the presence of allergens, retrieve certain required items and/or help an individual with psychiatric and neurological disabilities (such as PTSD).
 2. There is no requirement concerning the amount, type of training or certification process that an animal must undergo before being labeled as a service animal. In addition, no special collar, tag or labeling is required.
 3. Service animals are not pets. Officers should not talk to, pet or otherwise initiate contact with the animal to not interfere with the important tasks they perform.
- b. When it is readily apparent the animal in question is there to provide aid to a disabled individual (e.g., when a person with vision impairment has a Seeing Eye dog), officers are not allowed to ask questions in order to verify the status of the animal.
- c. When it is not obvious what service the animal provides; the ADA allows an officer to ask the following limited two questions:
 1. Is the dog a service animal required because of a disability?
 2. What work or task has the dog been trained to perform?

If the individual responds by indicating that the animal is required because of a disability and has been trained to perform at least one task to assist the individual, the animal meets the definition of a service animal and no further questions should be asked. Officers may not ask about the nature of the person's disability, require medical documentation, require documentation concerning the training of the animal or ask the owner to have the dog demonstrate the task it has been trained to perform.
- d. Service animals in public buildings and/or facilities.
 1. Service animals are permitted anywhere the public is allowed.
 2. Under the ADA, service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. Under such circumstances, the individual must maintain control of the animal through voice, signal or other effective controls.
 3. Service animals may be excluded from areas of police facilities that are not open to the public, such as the inside of a patrol vehicle or the district station holding cells.
 4. A person with a disability cannot be asked to remove a service animal from the premises unless: (1) the dog is out of control and the handler does not take corrective action to control it, including when an animal exhibits vicious behavior and poses a threat to the safety of others; or (2) the dog is not housebroken. Barking alone is not a threat nor does a direct threat exist if the owner takes prompt, effective action to control the animal. When there is a legitimate reason to ask that a service animal be removed, the person with the disability must be offered the opportunity to obtain the goods or services without the animal's presence.
- e. When an officer takes an individual with a service animal into custody, the officer will explain that the service animal will not be allowed into a detention facility; however, the officer will make every effort to turn the service animal over to a caretaker designated by the owner/handler. If no

caretaker is available, the animal will be turned over to Denver Animal Control. Denver Animal Control can be requested through dispatch and will respond 24 hours a day to all calls for placement of service animals. The officer must tell the responding animal control officer that the animal in question is a service animal, so that an administrative hold can be placed. The officer will note the disposition of all service animals on their log sheet when the owner/handler is arrested.

- f. Service animals may be of any type or breed. Disabled individuals who possess a pit bull trained as a service animal may not be arrested or prosecuted for violating any Denver Revised Code prohibiting pit bulls.

104.22 CONTACTING EMPLOYEES AT THEIR PLACE OF EMPLOYMENT

(1) FIRST CONTACT:

Under ordinary circumstances, officers will first make contact at a private business or in any governmental agency with supervisory personnel of the employee they want to interview. The purpose of contacting a supervisor first is to expedite the employee contact so as to create as little disruption of work activities as possible.

- This procedure does not apply if there is a possibility that contact with management may in some way allow the escape of an employee who is to be arrested.

104.23 COLORADO VICTIM RIGHTS STATUTE

(1) REQUIREMENTS:

The Colorado Victim Rights Statute (CRS §24-4.1-302.5) requires that police officers provide certain information to victims of specified criminal acts. A summary of the specified crimes is as follows:

- a. Any crime of violence reported as a violation of state statute (murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation etc.);
- b. Any domestic violence related crime including city ordinance violations (simple assault, disturbance, threats, etc.);
- c. Any state statute crime of violence or theft CRS §18-4-401(1) committed by the suspect in the presence of a victim who is an "at-risk" adult. By legal definition, CRS §18-6.5-102, this includes persons age 70 or older or any person who is eighteen (18) years of age or older and is a person with a disability as said term is defined in subsection (11) of this statute.

"Person with a disability" means any person who:

(a) Is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;

(b) Is unable to walk, see, hear, or speak;

(c) Is unable to breathe without mechanical assistance;

(d) Is a person with an intellectual and developmental disability as defined in section 25.5-10-202, CRS;

(e) Is a person with a mental illness as the term is defined in section 27-65-102 (14), CRS;

(f) Is mentally impaired as the term is defined in section 24-34-501(1.3)(b)(II), CRS;

(g) Is blind as that term is defined in section 26-2-103 (3), CRS; or

(h) Is receiving care and treatment for a developmental disability under article 10.5 of title 27, CRS.

- d. Careless driving that results in the death of another, or failure to stop at the scene of an accident where the accident results in the death of another.

(2) INFORMATION PROVIDED TO VICTIMS:

In order to assist these crime victims and to comply with the Colorado Victim Rights Statute, officers and investigating detectives will, at a minimum, inform these crime victims of the following information:

- a. The telephone number for the Denver Police Department Victim Assistance Unit (720-913-6035).
- b. When an adult suspect has been arrested, the victim will be given the Victim Information and Notification Everyday (VINE) Hotline telephone number (1-888-263-8463). By calling this number and entering the suspect's name or booking number, the victim can arrange to be immediately notified when the suspect is released from custody.
- c. The Victim Assistance Unit brochure titled, "Your Rights as a Victim of Crime", which contains the foregoing information, will be given to the described victims

(3) FOLLOW UP:

Detectives assigned to investigate these described cases will ensure that a copy of the General Occurrence (GO) report and/or case documents showing a phone number or location where victim(s) can be contacted is immediately forwarded to the Victim Assistance Unit (fax: 720-913-7502). The Victim Assistance Unit will contact victims and provide the needed information and assistance.

104.24 ARREST TEAMS AT THE SCENE OF NON-VIOLENT DEMONSTRATIONS WHERE UNLAWFUL ACTS ARE COMMITTED

The below procedure is a general processing guide and can be modified as determined by the incident commander:

(1) IDENTIFICATION OF GROUP LEADER(S):

Upon arrival at the scene of a demonstration, the officer in charge will endeavor to identify the leader or leaders, and if possible, communicate with the mass of demonstrators through their leadership. The demonstration leader, or the group, will be advised of the laws pertaining to the free movement of pedestrian and/or vehicular traffic while demonstrating and/or any other statute that may be violated during their presence. In the event of mass arrests for non-minor events, the officer in charge at the scene may utilize all or parts of the procedures described in this section and in OMS 104.25.

(2) SQUAD STRUCTURES:

All uniform officers reporting to the scene of a demonstration will be structured in squads under the supervision of a sergeant. The squad size will be determined by the officer in charge, in accordance with the individual situation. Each sergeant will be responsible for; instructing their officers in the techniques of employing arrest teams, designating the arresting officers, and actively directing the activities of the team members.

(3) ARREST TEAMS WILL CONSIST OF THE FOLLOWING PERSONNEL:

- a. One sergeant, who will be in direct charge of an arrest team
- b. Arresting officers
- c. Supporting officers

104.25 MASS ARRESTS

- (1) In the event that mass arrests for non-violent minor offenses appear imminent, the officer in charge at the scene shall approach the demonstration leadership and explain the violation being committed. See OMS 108.03.
- (2) The officer in charge shall direct that all violations be corrected immediately. If they are, no further police action shall be taken.

- (3) The officer in charge shall determine the number of persons likely to be arrested and the number of transporting vehicles necessary to accommodate these numbers.
- (4) If the leaders do not comply with the directives, the officer in charge shall publicly announce to the crowd through a voice amplification system, the following announcement and dispersal order: "I am (name and rank) of the Denver Police Department. I hereby inform all persons assembled that you are in violation of (City ordinance or State statute violated in general terms). In the name of the people of the City and County of Denver, I command all of you here assembled, to disperse. Failure to do so shall subject each of you here to arrest and prosecution."
- (5) The officer in charge shall wait a reasonable length of time for compliance. If the crowd does not disperse, repeat the aforementioned order. Both of these announcements, along with any statements by the demonstration leadership, may be tape recorded as evidence, if such is possible.
- (6) A commanding officer from the Major Crime Division shall be in charge of mass arrests processing and will determine the number of Mass Arrests Processing Teams, hereinafter referred to as MAP Teams.
- (7) Each MAP Team consists of five to six officers and a supervisor equipped with a mobile trailer containing equipment and documentation including the following:
 - a. Digital camera equipment and saved data cards
 - b. Lap top computer, printer, SD card reader, router, and wiring
 - c. Large storage (Raid) hard drive
 - d. Large data cards, General Sessions Summons and Complaints, and property documentation
 - e. Generator
 - f. Privacy screens and portable awning
- (8) MAP Teams will generally deploy behind any field force or response team and be within walking distance of arresting officers.
 - a. Sufficient DPD or DSD personnel shall guard the MAP Teams along with any appropriate bus or van used for prisoner transport.
- (9) Once deployed and set up has occurred; the following procedures will be followed by arresting officers and MAP Team personnel:
 - a. Whenever possible, dual loop flex cuffs will be utilized for arrests which feature an embossed unique identification number along with six detachable labels featuring the same unique number. The number will be used to track the prisoner and the labels shall be attached to accompanying documentation. After the flex cuffs are cut by DSD personnel, one half of the cuffs will remain on the suspect for identification and tracking.
 - b. Arresting officers will search prisoners and place property into DSD property bags with the exception of billfolds or currency. One of the flex cuff labels will be affixed to the property bag or the number handwritten onto it. Property bags will be transported with the prisoner to the location of detention by DSD. Standard size backpacks will also be transported with prisoners by DSD. Oversize property will be placed in the Evidence and Property Section.
 - c. If possible, arresting officers in pairs will arrest suspects with one officer generally maintaining control of the suspect and the other documenting the event.
 - d. The arresting officer without control of the suspect will be given a clipboard and begin documentation including GSS&C, DPD 287, Property Envelope, and Property Invoice & Receipt, DPD 122. The GSS&C narrative should be completed with sufficient notes regarding the arrest that the document could stand on its own when reviewed for arraignment. The cuff number shall be handwritten on the GSS&C to insure it is present on all NCR copies. This officer will also provide suspect and arrest information to MAP officers to be placed onto the large data board.
 - e. The large data board will list information about the arrest including suspect information, violation, along with an affirmation read by the arresting officer similar to a General Sessions citation.

- f. Once the data board is completed, both officers and the suspect will be photographed with the data board also in the photo.
 - g. The officer in control of the suspect will then give a video interview to MAP personnel including all information documented on the data board. In addition to "LOVID," the officer will also give a personal account of the arrest including their observations. Information such as who gave the order to disperse and time of order should be documented in the interview. MAP personnel will ask any follow-up questions necessary. Uncooperative suspects will be removed and only the officer will be featured in the video.
 - h. The MAP team member operating the digital camera will attach one of the flex cuff labels to the SD card and then give the SD card to MAP members operating the lap-top computer. One SD card will be utilized per suspect and will be later booked into the Evidence and Property Section individually.
 - i. The MAP team officer operating the computer will place the card in the reader, download the files into the hard drive and print two copies of the photograph. One copy of the photo will be given to the arresting officer and the other will be placed into the property bag with the General Sessions.
 - j. The SD card itself will be placed into a plastic bag/property envelope. The property envelope will be stapled to the completed property invoice; each of which shall receive a flex cuff label.
 - k. MAP team members will assist arresting officers in completing documentation including GSS&C, Property Invoice & Receipt, and Property Envelope.
 - l. The completed GSS&C, photograph, property bag, personal property including standard size backpacks, and bags will be received with the suspect by Denver Sheriff Department personnel for transport.
 - m. Property envelopes, Property Invoices & Receipts, large personal property, and additional evidence will be transported by Evidence and Property Section personnel.
 - n. Once a DSD bus is full and ready for departure, data for each transported suspect will be downloaded by DSD personnel onto a USB drive to be transported with the prisoners. Photos and video interviews can then be made available for arraignment at the location of detention.
 - o. MAP team members shall keep an arrest log that will include each arrestee's name, DOB, home city/state, and charge. Arrest logs shall be forwarded to the Command Post
- (10) Felony and misdemeanor packets will be available for completion by arresting officers. Officers making felony or state misdemeanor arrests will be taken out of service when available.
- (11) Juveniles will be charged on a JV summons, if appropriate and kept separate (sight and sound) from adults. Juveniles will be transported to DPD Headquarters by Juvenile Intake personnel.
- (12) Property with no monetary value such as signs, literature, or other items carried by an arrestee not considered personal property, will be considered trash and discarded. Public Works resources are available if needed. Mobile processing stations will discard trash after arrests are processed. A photo of the items grouped together will be taken prior to their disposal.
- (13) Pamphlets from the Office of the Independent Monitor will be provided to arrested parties making claims of inappropriate conduct by police officers. The pamphlet will be placed into the suspect's property bag. Both Spanish and English versions of the pamphlet will be available. The form is self-addressed with prepaid postage and explains to the suspect how to file a complaint with the OIM and IAB. If an arrestee is claiming an officer used unnecessary force and has any visible injuries or requests medical attention, the arresting officer's supervisor will be required to respond to insure no further investigation is required at the scene.
- (14) At the completion of an event, MAP personnel shall save all data by date and location onto a large capacity hard drive called a Raid Drive which is to be placed into the Evidence and Property Section. The arrest log will be forwarded to the command post.

104.26 IDENTIFICATION PROCEDURES

- (1) **PURPOSE:** The Denver Police Department recognizes the importance of obtaining complete descriptions of offenders linked to unlawful acts and is committed to providing accurate information and verifying suspect identity when seeking warrants for the arrest of subjects involved in criminal incidents. A critical aspect to subject identification is ensuring that reasonable efforts occur to verify the correct identity of a suspect.

Accurate documentation is a key factor when writing a warrant and preparing a criminal filing for the court. With this in mind, officers and investigators shall use the following procedures, under the proper circumstances, when identifying possible suspects involved in a crime under investigation.

- (2) **GENERAL INFORMATION:**

Eyewitnesses play a critical role in our criminal justice system. They are often essential to identifying, charging, and ultimately convicting perpetrators of crime. They sometimes provide the sole piece of evidence against those individuals. For these reasons, the value of accurate and reliable eyewitness evidence cannot be overstated.

- (3) **DEFINITIONS:**

There are three types of identification procedures conducted by law enforcement officers. These procedures are designed to obtain witness and victim identification of suspects in criminal activity. These identification types are as follows:

Show-up: This is an identification procedure in which a victim/witness is presented with a single subject in person for the purpose of determining whether the eyewitness identifies the individual as the suspect.

Photographic lineup: This is an identification procedure where a series of photographs are placed into an array for the purpose of showing a witness.

Physical lineup: This is an identification procedure where several individuals, including the suspect, are staged for the purpose of viewing by a witness.

- (4) **SHOW-UP PROCEDURES:**

When circumstances require the prompt display of a single subject to a victim/witness, inherent suggestiveness of the encounter can be minimized by employing procedural safeguards. Responding officers will collect a complete description of the subject from the victim/witness and a description should be aired to other units.

- a. If a person of interest is located, a show-up may be conducted only pursuant to the following conditions:

1. Following the report of the crime:

- a. The officer, acting on reasonable suspicion, has detained a subject in the crime within minutes of the commission of the crime and near the location of the crime;
- b. Given the circumstances, neither a live lineup nor a photographic lineup are available as a means of identification; and
- c. The eyewitness reasonably believes they can identify the subject

2. To verify the identity of an intimate relationship, as defined in C.R.S. 18-6-800.3(2), in a domestic violence case; or

3. To confirm the identity of a familial subject, including a parent, child, or sibling known to the eyewitness.

- b. Officers are required to follow the following procedures when conducting a show-up:

1. Victims/witnesses must be transported separately to the location of the person subject to the show-up.

2. The location must be well-lit, with an unobstructed view of the person subject to the show-up.
 3. Any external factors that can be suggestive to the victim/eyewitness, such as verbal comments, radio traffic, computer screen data, or any other information concerning the person subject to the show-up must be avoided.
 4. Persons who are the subject of the show-up will not be required to put on clothing worn, speak words uttered by, or perform any actions mimicking those of the suspect that occurred during the commission of the reported crime.
 5. Officers will not show the person subject to the show-up to the victim/eyewitness while the subject is in handcuffs or in the back of a patrol vehicle, except in circumstances to prevent an imminent threat of physical harm to a peace officer or another person or the escape of the subject. If the exception applies, officers must also reiterate before the show-up that the person of interest may not be one of the people involved in the incident as noted in the victim/witness instructions.
 6. When multiple victims/eyewitnesses exist, officers will permit only one victim/eyewitness at a time to view the person subject to the show-up.
 7. When multiple subjects exist, officers will separate the subjects and conduct separate show-ups with each show-up.
 8. Victims/witnesses will be kept separated from one another.
- c. The officer will document the date, time, and location of the show-up and read the show-up advisement to each victim/witness. The procedure will be documented in its entirety through the body-worn camera – see OMS 119.04. The procedure will also be documented in the officer's written statement and include the date, time and location of the show-up, the sex, age and race of the subject and eyewitness as determined by the officer's perception or the subject's identification or retrieved from a data based accessible by the officer, the alleged crime, and the outcome of the show-up information.
1. For victims/eyewitnesses with limited English proficiency, or who is hearing impaired or deaf, the officer, if feasible, will obtain an interpreter before proceeding with the show-up – see OMS 104.59 and OMS 104.49.
 - a. Before the interpreter should be permitted to discuss any matter with the victim/witness, the officer will explain the show-up identification process. Once the interpreter understands the process and indicates that they are able to explain the process to the victim/eyewitness, the show-up may proceed.
 2. The following instructions will be read to each victim/witness:

“In a moment I am going to ask you to view someone. The person who committed the crime may or may not be one of the people you are about to view. You should not assume the person you are about to see has committed a crime.

You should not feel you have to make an identification. It is just as important to clear innocent people from suspicion as it is to identify the suspect. The investigation will continue whether or not you make an identification. If you do select someone, please do not ask me about that person, as I am unable to share any information at this stage of the investigation.

Because you are involved in an ongoing investigation, to prevent compromising the investigation, you should avoid discussing this identification procedure or its results. Please do not discuss what you saw, said or did during this procedure with anyone. Keeping the results of this procedure to yourself is necessary to preserve the integrity of the procedure.

Do you understand the instructions I have given you? Do you agree to comply with these instructions? Do you have any questions before we begin?"

The victim/eyewitness must respond affirmatively to the first two questions in order for the show-up to proceed.

3. If a victim/eyewitness makes an identification, the officer will ask whether they are confident, somewhat confident, or not confident about their identification.
4. If the victim/eyewitness makes any identification, the officer, at the time of the identification, shall take a clear statement from the victim/eyewitness and document the statement in the victim/eyewitnesses' own words.
5. If the victim/eyewitness makes an identification and an arrest occurs, any further acts to obtain an additional identification must be through a live lineup or photo lineup.
4. If the person(s) of interest is not identified by the victim/witness, officers will obtain his/her name, DOB, and address prior to releasing him/her. The officer will document the contact in a street check.

d. Occasionally, a single photograph will be shown to a victim/witness to confirm identity in specific situations. These include, but are not limited to:

1. Verifying the identity of a spouse or boyfriend/girlfriend in a domestic violence case
2. Confirming the identity of a suspect known to the witness or victim
3. Confirming the identity of a known associate to a victim/witness
4. Verifying the knowledge of a subject to a victim in DNA/CODIS identification situations

(5) PHOTOGRAPHIC LINEUP PROCEDURES:

It is the policy of the Denver Police Department that when conducting a photographic lineup, the sequential photographic lineup procedure will be used. The sequential decision procedure is meant to reduce the tendency of a witness to compare one photograph with another photograph (i.e., make relative judgments).

The purpose is for a witness to make a final decision on each photograph by comparing it with his/her memory of the suspect, before moving on and viewing the next photograph.

Constructing the Photographic Lineup:

- a. Include only one target subject in each photographic lineup packet.
- b. The detective/officer will use reasonable efforts to obtain the most recent existing photo of the target suspect prior to showing the photographic lineup to the witness/victim. Occasionally, the detective/officer may experience circumstances that do not allow for the showing of a recent photograph. Such circumstances include, but are not limited to:
 - The subject shaved or has grown facial or head hair since the occurrence of the incident.
 - The current photograph shows the subject wearing glasses or a cap/hat not described by the witness/victim at the time of the incident.
 - The most recent photograph shows facial anomalies such as tattoos, jewelry, or injuries that were not present at the time of the incident.
 - The subject aged since the incident and a photograph taken near the time of the incident would prove more appropriate (e.g., cold case investigations).
- c. Should multiple photographs of the subject exist, select the one that best fits the witness's description.
- d. Select filler photographs that generally fit the witness's description of the suspect, and that are consistent with the suspect's photograph.
- e. Include a minimum of five filler photographs in addition to the suspect's photograph, but no more than ten total photographs.

- f. The same filler photographs will not be used for additional suspect lineups constructed for the same case investigation.
- g. Each photograph will be placed on its own blank sheet of paper. The suspect's position in the lineup should be rotated randomly. Detectives/officers should ensure that they are not routinely placing suspects in a consistent position with each lineup folder produced.
- h. Ensure that the suspect does not stand out unduly and that the photographic lineup is not overly suggestive. This will include, as best as practical, choosing photographs that do not contain unique identifiers such as numbers, markings, or other characteristics that the filler photographs do not have.
- i. Document the identity of all persons inserted into the photographic packet.
- j. Produce an "original" and a "working copy" of the photographic array. The "original" will be placed into the Evidence Property Section under the evidence number for the investigation. The "working copy" will be maintained with the case file.

(6) CONDUCTING THE PHOTOGRAPHIC IDENTIFICATION PROCEDURE:

- a. The photographic identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness's identification. This process will be conducted in a manner conducive to obtaining accurate identification or non-identification decisions on the part of the witness.
- b. The photographic array will be shown to the witness in a "blind" format. With this type of procedure, the case detective/officer will have someone who is not familiar with the case, or with the identity of the lineup members, and does not know the position of the target subject in the lineup, conduct the lineup procedure. This helps ensure not only that the case detective/officer does not unintentionally influence the witness, but also that there can be no arguments later that the witness's selection or statements at the lineup was influenced by the case detective/officer.
The Blind Lineup may not be utilized in the following situations:
 - 1. The detective/officer articulates a compelling need to avoid such a procedure, or the case investigation will be jeopardized by such a procedure, or
 - 2. The officer/investigator obtains the approval of a command officer to not use the Blind Lineup.
 - 3. In no instance will a lineup be shown in a format other than a blind lineup where the charges sought are a felony.
- c. Prior to viewing the photographic lineup, the detective/officer will read the lineup Admonition/Identification (DPD 170) to the witness viewing the lineup. At the conclusion of reading that form, the witness will sign it to indicate that they understand the document. This signed form will be included in the case file.
- d. In addition to the admonition, provide the witness with the following information and directions:
 - 1. Individual photographs will be viewed one at a time.
 - 2. The photos are placed into the array in random order.
 - 3. Please take as much time as needed in making a decision about each photo before moving on to the next one. The investigation will continue regardless of his or her ability to make an identification.
 - 4. All photos will be shown, even if a suspect identification is made.
 - 5. If you can make an identification, please indicate your selection to the investigator/officer.
 - 6. Please note your level of certainty regarding your identification or non-identification (confident, somewhat confident, or not confident at all).

- e. Should the witness make or not make identification, detectives/officers will document the following:
 - 1. Identification information of all subject and filler photographs, and sources of all photos used.
 - 2. Names of all persons present at the photographic lineup.
 - 3. Date and time of the identification procedure.
 - 4. Document, in writing, statements as to the witnesses' ability to make or not make a suspect identification.
 - 5. When the witness/victim makes identification, the detective/officer will ask the person viewing the photographic lineup to sign a copy of the photograph indicating that the one selected is of the subject involved in the crime under investigation. Should the person viewing the photograph refuse to sign, the detective/officer will document that fact in their statement or report.
 - 6. Identification statements can be made on the Admonition/Identification (DPD 170), or should more space be required, a Statement (DPD 366).
- f. Make a copy of the photographic line up packet that the witness viewed, whether or not he/she made a suspect identification. If the witness makes a suspect identification, include the signed photograph with this copy. Include a copy of the signed admonition form with the copied packet, and place with the case file. Place the originally signed admonition for each witness viewing the lineup into the case file.
- g. Other than shuffling photographs to show a lineup to other witnesses, detectives/officers will make no changes or additions to the original photographic lineup packet. Detectives/officers will show each witness in a given criminal investigation the same original photographic lineup packet. When showing the same photographic lineup packet to additional witnesses in the same case investigation, the detective/officer will randomly rotate the photograph positions to avoid charges of suggestibility.

(7) PHYSICAL LINEUP PROCEDURES – VOLUNTARY OR COMPELLED:

The target subject of a physical lineup may appear in one of two ways;

- a. Voluntarily
- b. Response to a court order for non-testimonial evidence: (Rule 41.1 or Rule 16, CRS)

(8) ATTORNEY PARTICIPATION:

When a subject is compelled to stand in a physical lineup procedure, and is represented by an attorney, that attorney will be contacted prior to conducting the procedure. The attorney will be offered the opportunity to be present for the procedure.

- At all times during the Physical Lineup procedure, the status of the attorney representing the target subject (if any) will be that of an observer only.

(9) ADMONITION/IDENTIFICATION, DPD 170:

The Admonition/Identification (DPD 170) will be submitted for each lineup conducted by an officer. The advisement portion of the form is to be completed prior to placing the target subject in the physical lineup. Use a separate form for each witness.

(10) PHYSICAL LINEUP COMPOSITION:

It is preferable that five persons, in addition to the target subject, be placed in a physical lineup. If after a reasonable effort, detectives/officers are unable to locate five similar individuals, four additional persons may be used, but in any event, no fewer than four. The position of the target subject will be rotated so that he/she will not always appear in the center, or same location. The physical lineup procedure is the only one permitting fewer than five fillers.

- It is preferable that as few police officers as possible be used in the physical lineup. Generally, inmates of the Denver Detention Center should be used, but if circumstances warrant, similar type individuals may be used regardless of their occupation. The objective is to present as fair a physical lineup as is reasonably possible.

(11) SUBJECT ATTIRE:

Each subject will be attired in a similar fashion so that there is no undue claim of suggestibility. Dressing each of the subjects in jail clothing is a preferred method to ensure this requirement.

(12) WITNESS SEPARATION:

All witnesses viewing the physical lineup should be physically separated by an appreciable distance so that no conversation can take place among them. Additionally, all officers will be similarly situated away from the witnesses. Witnesses must be instructed prior to the proceedings not to comment verbally or make any specific movements which might tend to influence anyone else present, until after the physical lineup is completed.

(13) PHOTOGRAPHS OF PHYSICAL LINEUP:

All photographs of the physical lineup procedure will be taken by Crime Lab or Forensic Imaging Unit personnel. Photographs will be captured in color. At least two photographs will be taken and will show the following:

- a. The target subject and all other individuals lined up with him or her as viewed by the witnesses.
- b. The witnesses' positions in the audience, to include the attorney representing the target subject (if present).

(14) PHYSICAL LINEUP PARTICIPANTS VIEWED ONE AT A TIME:

The physical lineup participants will be shown to a witness or witnesses one at a time. The participants will turn 360 degrees around so that all sides can be viewed. The witness or witnesses will be given time to view each participant prior to him/her leaving the room and the next participant entering. Should the participants be required to make a statement, particular movement, or wear a specific item of clothing (e.g., a bandanna, hat, etc.), each participant will make the same statement, wear the same clothing item, or make the same specific movement.

(15) ADMONITION/IDENTIFICATION - DPD 170:

After the witnesses have viewed the individuals in the physical lineup, they will be required to complete the Admonition/Identification (DPD 170). The attorney representing the target subject will be allowed to be present when the witness or witnesses renders the results of their observations to the officers conducting the physical lineup, and will be permitted to review the front portion of the card. At this point, the physical lineup will be presumed to have been concluded.

104.27 PERSONS HELD FOR COLORADO STATE PAROLE

(1) PROCEDURE:

Denver police officers are authorized to transport to, and incarcerate in, the Detention Center, any person being held in the custody of a state parole officer.

- a. The parole officer will complete two forms, a Denver Sheriff Department Form 38 and the State of Colorado Form PD 3-9, and turn them over to the officer along, with the arrestee.
- b. Officers will then deliver the arrestee and the two completed forms directly to the Detention Center.

104.28 NIGHT CLUB OCCUPANCY REGULATIONS - ENFORCEMENT

(1) FIRE DEPARTMENT RESPONSIBILITY:

Any officer, who receives a call concerning overcrowding, or finds possible violations relating to occupancy, will advise the Denver Fire dispatcher at 720-913-2400. Fire dispatch will then determine the appropriate fire department response according to the time of day and geographic location. The officer will also advise Denver 911 police dispatch of their activity and location.

(2) POLICE OFFICER RESPONSIBILITY:

The initial officer will complete a General Occurrence (GO) report, titled "Letter to Detectives", for the Vice/Narcotics Section, Excise and License Unit, stating the name and location of the establishment, the date and time of the incident, name, address and date of birth of the manager, owner or party responsible for the establishment at the time of the incident; as well as the name, address and date of birth of the door person, bartender, and any employees involved in the operation of the establishment at the time of the incident.

This GO report should contain any and all perceived violations observed; the name of the fire department investigating officer and what action was taken. The Vice/Narcotics Section, Excise and License Unit will follow-up with Excise and License and take any further police action deemed appropriate.

- a. Officers should not issue a summons in any case for occupancy violations unless requested to do so by fire department or building department inspectors.
- b. Officers will not advise business operators to install dead bolt locks on exit doors.

104.29 ARREST OF BAIL BOND FUGITIVES

(1) OFFICERS WILL NOT ASSIST BAIL BOND PERSONNEL IN APPREHENDING A BOND PRINCIPAL UNLESS:

- a. A valid warrant issued by the court has been processed, with an official want (pick-up) placed in the Identification Section and entered into the CCIC computer system. See OMS 104.07(3), or
- b. An existing warrant in a jurisdiction other than the City and County of Denver has been verified by Identification Section personnel and this action noted on a printout. See OMS 104.01 (22) and (23), or
- c. Circumstances surrounding the activity amount to probable cause for an arrest.

(2) LIMITATIONS ON POLICE ASSISTANCE:

Officers will not assist bail bond personnel in the arrest of a bond principal solely because there is a belief that the bond principal may leave the jurisdiction of the Denver court before satisfying the conditions of the bond.

- a. The rules involving search and seizure are the same when assisting bail bond personnel as in any other arrest situation. Officers will not extend any special "stand-by" privilege to bail bond personnel that would not be extended to any other persons.
- b. Officers will notify a supervisor on any call where they are unable to assist the bond personnel due to lack of a warrant or probable cause.
- c. A supervisor must respond to the scene if there is any information that bail bond personnel are acting outside the scope of their authority or violating the law.

104.30 PROTECTIVE CUSTODY

(1) GENERAL GUIDELINES:

CRS §27-81-111:

"When a person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, law enforcement authorities or an emergency service patrol, acting with probable cause, shall take the person into protective custody in an approved treatment facility.... A taking into protective custody under this section is not an arrest, and no entry or other record will be made to indicate that the person has been arrested or charged with a crime..."

"...A law enforcement officer or emergency service patrol officer, in detaining the person, is taking the person into protective custody. In so doing, the detaining officer may protect himself or herself by reasonable methods but shall make every reasonable effort to protect the detainee's health and safety....."

"A law enforcement officer, emergency service patrol officer, physician, spouse, guardian, or relative of the person to be committed or any other responsible person may make a written application for emergency commitment under this section, directed to the administrator of the approved treatment facility. The application must state the circumstances requiring emergency commitment, including the applicant's personal observations and the specific statements of others, if any, upon which the applicant relies in making the application."

- a. No person detained or taken into protective custody for commitment to a detoxification facility will, at any time, be listed on any police document of official action as having been arrested nor will the fact of such detention or protective custody be released to anyone outside the Denver Police Department.
- b. In order to take an individual into protective custody under this section, an officer must have probable cause to believe that the person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, given the totality of the circumstances.

(2) PROCEDURES:

When an officer takes a person who is intoxicated or incapacitated into protective custody, the officer will either request a Detox van via the dispatcher on the officer's primary channel, or transport the subject in his/her police vehicle.

- a. The officer will switch to the service channel and provide the subject's name, date of birth, and the location from which the subject is being transported. The subject will then be transported by Detox van personnel or the officer to the appropriate facility.
- b. If the intoxicated person is injured, highly combative, non-responsive, or otherwise in need of medical attention, an ambulance rather than a Detox van, will be requested. Additionally, persons in wheelchairs cannot be transported in a Detox van and must be taken by ambulance to the appropriate facility.
- c. Officers will complete a street check, ensuring that the individual's specific behaviors are documented to verify that probable cause did in fact exist.
- d. Certain individuals under the influence of drugs and/or alcohol who are exhibiting behavior that is a danger to themselves or others may be eligible for an emergency commitment. To apply, officers must complete the description and observations statement on the Application for Emergency Commitment form. This form, if utilized, will be provided to the Detox van or EMS personnel at the time of custody exchange, or to the detoxification center personnel at the time of admittance.

(3) OFFICERS ACTING IN GOOD FAITH:

Any officer acting in good faith who believes that a person is mentally ill or mentally deficient (this would include an aged person who is perhaps senile and confused) and that person is apt to injure or endanger him/herself or others if allowed to remain at liberty, may take such person into custody.

- a. Suspected mentally ill persons will be processed as directed in OMS 104.17.
- b. Aged, senile, disoriented persons who walk away from nursing homes or other shelters, may, if possible, be returned to these shelters. If not, the officer should take the person to Denver Health Medical Center, NOT TO JAIL. A Sick and Injured Report (DPD 150) will be completed by the officer. One copy is to be left at the Admissions Desk and the other is to be forwarded to the Missing and Exploited Persons Unit.

104.31 AT-RISK PERSONS - DISABLED PERSONS – PERSONS WITH DISABILITIES

(1) INVESTIGATIVE RESPONSIBILITY:

The Special Victims Unit (SVU) investigates allegations of abuse, neglect, or exploitation involving at-risk persons. The SVU operates Monday thru Friday, 0700-1500 hrs.

(2) DEFINITIONS:

At-Risk Adult with an Intellectual and Developmental Disability (I/DD): A person who is eighteen years of age or older and is a person with an intellectual and developmental disability, as defined in section CRS §25.5-10-202 (26)(a). Examples of I/DD include Autism or Autism Spectrum Disorder, DiGeorge Syndrome, Down Syndrome, Epilepsy or Seizure Disorder, Fetal, Alcohol Syndrome, Intellectual Disability, Tuberous Sclerosis, Traumatic Brain Injury before age 22, and Turner Syndrome.

At-Risk Elder: Any person who is seventy years of age or older - CRS §18-6.5-102 (3).

At-Risk Person: An at-risk adult, an at-risk adult with IDD, an at-risk elder, or an at-risk juvenile - CRS §18-6.5-102 (4.5).

Disabled Condition: The condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate - CRS §25-20-102.

Disabled Person: A person in a disabled condition - CRS §25-20-102.

Person with a Disability: Any person who is - CRS §18-6.5-102:

- Impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;
- Unable to walk, see, hear, or speak;
- Unable to breathe without mechanical assistance;
- A person with an intellectual and developmental disability as defined in CRS §25.5-10-202;
- A person with a mental health disorder as defined in CRS §27-65-102 (11.5);
- Mentally impaired as defined in CRS §24-34-501 (1.3)(b)(II);
- Blind as defined in CRS §26-2-103 (3); or
- Receiving care and treatment for a developmental disability under Article 10.5 of title 27, CRS.

(3) REPORTING - GENERAL:

The age or disability of the victim or witness will not be a factor in determining whether to file a General Occurrence (GO) report or proceed with an investigation. Concerns about the validity of the information can be included within a letter to detectives through Versadex.

(4) MANDATORY REPORTING:

Colorado Revised Statute §18-6.5-108 specifies that a person who is considered a mandatory reporter under this statute:

- who observes the abuse or exploitation of an at-risk person, or
- who has reasonable cause to believe that the at-risk person has been abused or exploited, or
- is in imminent risk of abuse or exploitation,
- will report such fact to law enforcement within 24-hours of discovery or observation.

The list of mandatory reporters is lengthy, but it includes all law enforcement personnel, first responders, medical providers, care providers and social workers. Willfully violating this statute is a Class 3 Misdemeanor.

- a. Officers, whether on or off duty, will report within 24-hours of discovery or observation any incident to the law enforcement agency where an at-risk person may have been abused,

exploited or where the at-risk person may be in imminent risk of abuse or exploitation and will notify their sergeant by the end of their next work shift.

(5) INCIDENTS INVOLVING AT-RISK PERSONS:

- a. Officers responding to incidents involving, or otherwise receiving reports of suspected abuse, neglect, or exploitation of an at-risk person will complete a GO report. Regardless of the outcome, officers will select the most appropriate offense type (e.g., Adult Neglect, Theft-At-Risk, etc.). In addition to collecting the identifying information of the at-risk person (i.e., full name, date of birth, etc.), officers must also document the following within their report:
 1. The reporting party's contact information.
 2. The contact information of the at-risk elder's caretaker, if applicable.
 3. The name of the alleged perpetrator.
 4. The nature and extent of the at-risk person's injury, whether physical or financial based.
 5. The nature and extent of the condition that required the report to be made.
 6. Other pertinent information relative to the complaint (e.g., at-risk person transported to hospital).
 7. Officer's observations.
- b. When a primary caregiver is arrested or unavailable, the officer will attempt to locate temporary attendant care, such as a friend or relative. If such care is not available, the officer should contact Adult Protective Services, 720-944-2994, during business hours or 303-601-5669 for the after-hours on-call staff. In most cases, Adult Protective Services will have contract care providers respond. If an I/DD at-risk person is enrolled in Rocky Mountain Human Services (RMHS), RMHS may be contacted 24-hours a day at 303-636-5600 for possible assistance. Additionally, officers may notify Denver 911 to contact the Victim Assistance Unit for assistance.
- c. If the incident is unfounded or determined to be non-criminal, officers should select "Welfare Check" or "Letter to Detective" for the GO report. The at-risk person will be listed as either a victim or subject entity. The officer will identify at-risk persons with an I/DD by selecting "Intellectual/Developmental Disability" under the dependency table.
- d. If the officer believes there is imminent risk to the at-risk person's health/safety, the officer should request paramedics to evaluate the at-risk person for possible hospitalization. If the at-risk person is not hospitalized, the procedures listed above should be followed. The officer's GO will be automatically shared with Adult Protective Services and the Denver District Attorney's office.

(6) AT-RISK PERSON CASE INVESTIGATIONS:

- a. Criminal allegations other than abuse, neglect or exploitation involving at-risk persons and Adult Protective Services (APS) referrals that require further investigation will be assigned to the district where the crime (e.g., criminal mischief, theft, etc.) reportedly occurred or to the appropriate Major Crimes Division Section, (e.g., Sex Assaults, Fraud, MEP, etc.). The Denver District Attorney's Economic Crime Unit may also investigate crimes against at-risk persons that are complex in nature.
- b. To ensure that at-risk persons receive the highest level of customer service and in compliance with confidentiality laws, a cooperative agreement is in place between the Denver Police Department, Adult Protective Services, and the Denver District Attorney's Office. Investigators should coordinate investigations with the assigned case worker. Adult Protective Services can be contacted by email at adultprotectiveservices@denvergov.org or by telephone at 720-944-2994.
- c. The victim interview should be video recorded if investigating an abuse or neglect allegation.

(7) REVIEW OF ADULT INTAKE REFERRALS:

- a. The Special Victims Unit supervisor reviews all Adult Protective Intake Referral forms and classifies them as “additional follow-up required” or “information only.” APS Intake Referral forms are then disseminated to the appropriate district investigative supervisors or other designated investigative units for follow-up.
- b. When further investigation is required because of a suspected criminal offense, a detective will be assigned to conduct the preliminary investigation and a GO report will be completed to document the actions taken and a case disposition.
- c. APS Intake Referral forms classified as “information only” may, at the discretion of a supervisor, be assigned to a district officer for a home visit. The officer will assess the At-Risk person’s needs, if any, and document his/her observations and any actions taken on a GO report selecting “Welfare Check” as the offense code. The officer will forward the APS Intake Referral Form to the Records Unit. When officers discover any criminal allegation during a home visit, the officer will generate a GO report and route it to the appropriate investigative unit.

(8) DISABLED PERSONS WHO ARE ILL OR BEING ARRESTED:

- a. Officers often encounter individuals who are unconscious, semiconscious, incoherent, or otherwise incapacitated and unable to communicate. Diabetes, epilepsy, cardiac conditions, allergies, and other physical illnesses can cause temporary blackouts, periods of semi-consciousness or unconsciousness.
- b. An officer will make a reasonable search for an identifying device (bracelet, necklace, metal tag, or similar item) which contains emergency medical information. This information may also be found on a Colorado driver’s license. Whenever feasible, this effort will be made before the person is charged with a crime or taken to a place of detention.
- c. If there is reason to believe that a disabled person is suffering from an illness causing the condition, the officer will promptly notify the person’s physician, if practicable.
- d. If an officer is unable to ascertain the physician’s identity or to communicate with him/her, the officer will have the disabled person immediately transported to Denver Health Medical Center.

(9) INCIDENTS INVOLVING ELDERLY OR DISABLED PERSONS:

If an officer believes that an elderly or disabled person is not receiving adequate care, either through neglect or failure to provide services, the officer will document this information on a GO report and select “Welfare Check” as the offense code, or on a “Letter to Detective.” When circumstances are not clearly established as neglect or abuse, completing a GO report is the appropriate action.

(10) PERSONS WITH DISABILITIES:

The Americans with Disabilities Act (ADA) requires the Denver Police Department make it possible for persons with disabilities to participate in or benefit from services, programs, and activities. To the degree possible, they should not be treated differently just because of their disabilities.

- a. Deaf or Hard of Hearing Persons:
 1. Auxiliary Aids:
 - a. The Denver Police Department must have auxiliary aids and services available for persons who are deaf or hard of hearing. Officers must give the individual the opportunity to request the auxiliary aid or service of their choice.
 - b. Auxiliary aids and services include, but are not limited to, qualified interpreters, computer generated notes, real-time captioning via Communication Access Real-time Transcription (CART), written materials, note pad and pen, and use of gestures or visual aids to supplement oral communication.
 2. Communication Preferences:
 - a. An officer should defer to the individual’s expressed communication preference unless it can be demonstrated that there is another equally effective means of

- communication given the circumstances, complexity, importance, and communication skills of the individual; or that use of the means chosen would result in undue financial and administrative burdens.
- b. When conducting an investigatory interview involving a deaf witness, victim, suspect, or a child's parent, guardian or custodian who is deaf, the person's expressed preference of communication aid or service will be recorded in writing and will accompany the related report associated with the incident.
3. Qualified Interpreters:
 - a. If an interpreter is the expressed communication preference, a qualified interpreter must be utilized.
 - b. A qualified interpreter holds a valid Legal Credential Authorization issued through the state of Colorado, per CRS 13-90-201 and its accompanying rules.
 - c. Family members, friends, and police officers are not to be utilized as an interpreter except in the case of a life-threatening emergency where the need for information is urgent.
 - d. Interpreters for deaf or hard of hearing persons can be requested through Denver 911 on a 24-hour basis.
 4. Reporting Requirements:
 - a. All written notes or other documents used for communication must accompany the appropriate paperwork, or be treated as evidence.
 - b. When a qualified interpreter is utilized, all identifying information on the interpreter must be included in the officer's report.

104.32 DOMESTIC VIOLENCE

There are unique procedures that all officers must follow with regard to domestic violence cases.

(1) POLICY:

The policy of the Denver Police Department is to view all domestic violence complaints as instances of alleged criminal conduct. Arrest, charging, and jailing of the suspect(s) involved will be deemed the most appropriate law enforcement response when officers determine that probable cause exists.

(2) DOMESTIC VIOLENCE STATUTORY DEFINITIONS – CRS §18-6-800.3:

(1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

- a. "Unmarried couples" means persons who are, or have in the past, been involved in an ongoing intimate relationship. This definition includes same sex couples. Officers will consider two people to be an "unmarried couple" if one or more of the following is true:
 1. They have dated more than once
 2. They have had sex (prostitution is not domestic violence related)

3. They refer to each other as “boyfriend,” “girlfriend,” partner, or refer to each other with terms of endearment indicating a developing relationship
- b. Other cases requiring a mandatory arrest and which will be investigated by the Domestic Violence Unit will also include:
 - Cases involving Harassment by Stalking (defined by CRS §18-9-111), where the suspect appears to be pursuing a relationship with the victim.
- c. Domestic violence does not include violence between family members who are not in an intimate relationship (e.g., cousins, parent-child, siblings, etc.). This does NOT mean the perpetrator should not be arrested. These cases should also be taken seriously.

(3) STANDARDS FOR DETERMINING PROBABLE CAUSE:

The standards for determining probable cause in domestic violence cases are the same as in other criminal actions:

- a. Probable Cause - Arrest by a Peace Officer - CRS §16-3-102
A police officer may arrest a person when:
 1. He has a warrant commanding that such person be arrested; or
 2. Any crime has been or is being committed by such person in his presence; or
 3. He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.
- b. To the extent possible and to the extent allowed by current law, domestic violence perpetrated by a juvenile should be treated as seriously as the same act committed by an adult. [See section \(11\)](#).
- c. Probable cause cannot be based upon considerations such as the potential financial consequences of an arrest (for the suspect or victim), verbal assurances that the violence will cease, or speculation that a complainant may not appear in court to testify. Officers may not consider the profession, community standing, status, etc. of the suspect in determining probable cause.
- d. When weighing the issues of probable cause, officers must consider that injuries, though present, may not be readily visible.
 1. Victims of domestic violence may not show the “expected” emotional response. Some specific behaviors that may seem inconsistent include lack of appropriate emotional response, non-cooperation, laughter, minimization/denial, irrationality, anger, aggression, and/or hysteria.
 2. In some situations a victim’s willingness to sign a complaint may be the sole basis for probable cause, absent contradictory evidence; however, it is NOT necessary for a victim to sign a complaint if an officer has probable cause to believe a domestic violence offense occurred. Whenever an arrest is made the victim must be listed as a witness in any report, regardless of the victim’s willingness to sign the complaint. Officers will arrest the predominant physical aggressor.
 3. Arresting both parties is considered the least appropriate response.
 4. If an officer receives complaints of domestic violence from two or more opposing persons, the officer will evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer will consider the following - CRS §18-6-803.6(2):
 - Any prior complaints of domestic violence;
 - The relative severity of the injuries inflicted on each person;

- The likelihood of future injury to each person; and
 - The possibility that one of the persons acted in self-defense
5. If an officer cannot determine who the predominant aggressor is, a supervisor will respond to the scene to help in that determination. If a supervisor responds and determines both parties will be arrested, the supervisor complete a written statement and will include the reasons for this decision in his/her statement.
- e. The following should NOT be considered alternatives to the mandatory arrest law:
- DETOX
 - The existence of arrest warrants for either party
 - Mental Health Holds
 - New charges resulting from non-domestic violence related criminal activity
- f. If an officer has questions regarding the determination of probable cause, or any other domestic violence related issue, the officer may call their supervisor or the Domestic Violence Unit at (720) 913-6071. After hours, officers may contact a Denver 911 supervisor for assistance in locating a domestic violence detective or sergeant.

(4) WHEN PROBABLE CAUSE EXISTS:

When probable cause does exist, the officer will arrest and charge the suspect(s) with the appropriate offense(s). Suspects may be charged through the Denver City Attorney's Office for municipal ordinance violations or the Denver District Attorney's Office for misdemeanors or felonies. See section (5) of this policy for criteria in determining what level to charge. More serious cases SHOULD ALWAYS be filed with the Denver District Attorney's Office in State Court.

- DVPP Street Check

If probable cause does not exist to make an arrest, the event will be recorded as a street check using DVPP as the reason code. If there is further information the officer needs to document, the officer may contact the Domestic Violence Unit for authorization to complete a Letter to Detective. Due to the limited information and required case documentation that a Letter to Detective does not contain, Letters to Detectives related to domestic violence incidents are highly discouraged and will only be accepted in specific circumstances pending a Domestic Violence Unit supervisor's authorization.

(5) CHARGING CRITERIA:

The following criteria will be used when determining what level to charge:

- a. The level of injury to the victim (more serious injuries) such as the following SHOULD BE CHARGED WITH A STATE STATUTE:

1. Stitches
 2. Fractures, broken bones, dislocations, or internal injury
 3. Severe bruising or burns
 4. Loss of teeth or broken teeth
 5. Loss of consciousness
 6. Strangulation or asphyxiation
 7. Hospitalization or transport to a medical facility for medical treatment resulting from injuries sustained during the incident.
 8. Use of a deadly weapon with the intent to cause fear and/or bodily injury.
- b. Violation(s) of protection order - see OMS 122.01
- c. Level of threat to victim during present incident as well as future risk to victim.
- d. Stalking behavior

- e. Victim pregnancy
- f. Intimidation of a witness is a STATE crime.
- g. Suspect's criminal history.
- h. Child Abuse/Child Endangerment – see section (9).

(6) QUALITY REQUIREMENTS:

All domestic violence investigations will be of the same quality regardless of the court level at which they are filed.

(7) REQUIRED EVIDENCE AND REPORTS:

All cases to be charged and filed with either the Denver District Attorney's Office or the Denver City Attorney's Office must be reported in a complete manner with as much detail as possible. Any associated paper reports will be forwarded to the Records Unit for scanning and attachment with the General Occurrence (GO) report. Domestic violence reports and evidence include the following:

- a. General Occurrence (GO) Report - All offenses including municipal violations require its completion. When completing an Arrest/Booking record or General Occurrence (GO) report, the officer must select the "family violence" box.
- b. Neighborhood Survey - officers will take a statement if witnesses are located.
- c. Intimate Partner Violence Case Summary (IPV) - will be completed regardless of the type of criminal incident (i.e., municipal ordinance violations, state misdemeanors or felonies).

This report is divided into two components, the electronic version in Versadex and a hard copy (DPD 385). Through use of the Intimate Partner Violence Case Summary hard copy, pretrial services can more accurately identify domestic violence defendants who may require intensive monitoring to maintain greater community and victim safety.

1. Electronic Version:

All fields will be completed accurately.

2. Hard Copy (DPD 385):

This case summary includes a risk assessment and a separate HIPPA Authorization for Disclosure. If for any reason, any section of the IPV Case Summary is NOT completely filled out, officers will write on the form the reason it was not completed (i.e., "victim refused," "victim hospitalized," etc.).

- Upon completion, officers will scan the report and email it to domesticviolenceunit@denvergov.org (this email address should not be used for any other purpose). Officers may want to carbon copy (cc) the "sent document" to their denvergov email address for a record of submission.
- Officers will then forward the original hard copy in a blue or red inter-departmental envelope to the Records Unit.

d. Statements - victim and key witnesses:

Written statements from the victim and key witnesses are always required. In addition, digital video and audio statements from the victim are required. This evidence may be used to identify injuries, identify the defendant, prove self-defense, identify property damage, etc. Obtain and include available contact information for the victims and witnesses, such as:

- 1. Phone numbers and complete addresses (e.g., apartment number, etc.).
- 2. A second permanent address and telephone number of the victim (such as the address of a close family member or friend) since many victims will relocate before the case comes to trial.

3. List any other information that may be used to contact the victim and witnesses (e.g., email addresses, Facebook, or other social media contact information, etc.).
- e. Statements - police officers:
Written statements from each individual responding or covering officer.
 1. A statement of probable cause will include a description of the actions of the defendant, the elements of the charged offense, and the name and date of birth of the victim.
 2. The investigating officer will include a detailed written statement specifying the actions of the suspect and the victim during and leading up to the charged offense, and will document the emotional condition of the victim and suspect and any spontaneous and/or relevant statements they make.
- f. Statements - children:
If children are present, include their full names, addresses, and dates of birth. Digital video and audio statements are required from children who were present when the alleged offense occurred (Officers may take the age of the child into consideration when determining whether a video statement is appropriate. However, when declining to take a video statement based on a child's age, officers must document such use of discretion in their statement).
- g. Evidence:
 1. Still photographs (district digital camera or Crime Scene Unit) will be taken of the victim, including all visible injuries, as well as property damage, other associated evidence and weapons used in the offense. The suspect will also be photographed (to document injury or lack of injury).
 2. All photographic evidence, including videos and audio recordings will be uploaded to Evidence.com using the Axon Capture App.
 3. In the event the Axon Capture App is unavailable, officers will burn all photographic evidence, including videos and audio recordings, onto two discs. One disc will be placed as evidence in the Evidence and Property Section. The second copy will be sent to the Domestic Violence Unit via inter-department mail.
 4. All other evidence collected will be placed in the Evidence and Property Section. The GO report number must be included on the property invoice and the property invoice number will be included on the US&C. A copy of the property invoice must be included in the packet.
- h. Identification of a domestic violence suspect:
If a suspect is not present, officers will obtain a current/recent photograph of the subject. Use the photograph to establish identification of the suspect by the victim. An officer will ask the victim to sign the photo indicating that the photo is of the suspect in the reported crime. Officers may use photographs obtained from the RMS or DMV systems or personal photographs provided to them by the victim, victim's children, witnesses, etc. Officers should include in their statement how the suspect was identified, and by whom.
- i. Reports and routing for city ordinance charges - DENVER CITY ATTORNEY'S OFFICE:
 1. When arresting the suspect outright, in addition to other required reports, officers will complete a Unified Summons and Complaint.
 2. When the suspect is not present, officers will complete a Unified Summons and Complaint warrant.
Email the IPV case summary to: Domesticviolenceunit@denvergov.org, and then attach all associated paperwork (e.g., Intimate Partner Violence (IPV) Case Summary, statements, etc.) to the US&C warrant. Place all documents in a Unified Summons

Affidavit for Arrest Warrant Routing Envelope (DPD 236A), and forward the packet to the Identification Section.

3. Officers will not forward US&C city ordinance domestic violence cases or packets to the Domestic Violence Unit.
 4. To properly close out a domestic violence related arrest for a municipal violation, officers should use the clearance codes D, C, T, N.
 5. To properly close out a domestic violence related warrant for a municipal violation, officers should use the clearance codes D, N, G, N.
- j. Reports and routing for state statute charges - DENVER DISTRICT ATTORNEY'S OFFICE:
1. Suspect arrested:
Officers will complete all domestic violence reports (e.g. statements, Intimate Partner Violence (IPV) Case Summary, etc.) and then email the IPV case summary to: Domesticviolenceunit@denvergov.org. All completed reports will then be placed in a red inter-department envelope (DPD 706R) and forwarded to the Records Unit for scanning.
 2. When the suspect is not present:
Officers will complete actions in (7) J.1. (above). The Domestic Violence Unit will investigate these cases and draft arrest warrants for misdemeanor and felony charges when appropriate.

(8) STATE STATUTE CHARGES:

The following charges are ALWAYS filed with the Denver District Attorney's Office. Due to their nature they have specific requirements:

- a. **First Degree Assault** (CRS §18-3-202) or **Second Degree Assault** (CRS §18-3-203):
 1. If the victim is transported to a hospital or SBI is suspected, obtain an SBI report from the attending physician (officers may leave it with the doctor if they obtain his or her name and include that in their written statement).
 2. If a search warrant is not needed to recover evidence, collect any weapon and all other evidence used in the assault.
 3. Obtain a signed **HIPPA**, Authorization for Disclosure release from the victim. Officers may leave it with the doctor if they obtain his or her name and include that in their written statement.
 4. Attempt to ascertain any history of domestic violence (this should be documented on the Intimate Partner Case Summary).
- b. **Felony Criminal Mischief** (CRS §18-4-501, is a felony if the damage is between \$1,000.00 and \$1,000,000 or more):
 1. Obtain from the victim a verbal estimate of the damage and advise he/she to obtain a written estimate for the prosecutor.
 2. Take photos (district digital camera or Crime Scene Unit) of the damage.
- c. **Stalking** (CRS §18-9-111):
 1. Collect all letters, email, journals, phone messages, audiotapes, or other evidence the victim may have, and place them into evidence.
 2. Obtain a copy of any existing protective order.
 3. Contact neighbors or co-workers as many of them may have relevant information regarding the suspect's behavior.

4. Obtain a written and video statement from the victim to include information on credible threat and/or severe emotional distress (i.e., change in victim's life; counseling, sleeplessness, fear, etc.).
- d. **Second Degree Kidnapping (CRS §18-3-302):**
 1. Obtain a detailed statement from the victim (make sure to ask whether there was any sexual assault or sexual contact as this is common in kidnapping cases).
 2. Officers should describe how the victim was moved (an example would be the force or coercion a suspect used to force movement).
 3. Officers will describe the victim's demeanor.
 4. Officers should remember to describe the circumstances which may have made a kidnapping easier (i.e., high heels, clothing, holding a baby, etc.) and also the circumstances of the location (Was the victim on a busy street or in a secluded location? Was the victim coerced by embarrassment in front of co-workers, etc.).
- e. **Sexual Assault (CRS §18-3-402):**
 1. All Sex Assault cases are to be handled according to OMS 301.23.
 2. Officers should attempt to locate outcry witnesses.
 3. Ask the victim if the suspect has made any contact since the assault. If the answer is yes, document what the suspect said or did.

(9) FACTORS IN CHARGING WRONGS TO MINORS OR CHILD ABUSE:

Officers should add the appropriate charge when one or both of the below factors occurred (Wrongs to Minors for municipal ordinance case or Child Abuse for state statute case).

- Children were present when the violence occurred.
- Children were in danger of physical injury or harm due to the violence.

(10) VICTIM ASSISTANCE UNIT:

With all domestic violence felony arrests, the Victim Assistance Unit on-duty or on-call person will be notified and respond. Officers will request VAU personnel through the Denver 911 dispatcher.

(11) JUVENILE SUSPECTS:

- a. Juveniles arrested for domestic violence as defined in section (2), will be handled using state statute charges and a General Occurrence (GO) report.
- b. The juvenile suspect will be processed per Juvenile Section procedures.

(12) ASSISTANCE SERVICES:

In calls for police assistance involving domestic violence, officers should advise the victim of assistance services available from both public and private agencies.

(13) PERSONAL PROPERTY:

When a person involved in domestic violence incident requests police assistance in removing a reasonable amount of personal property, officers will remain at the scene for a reasonable amount of time to make certain the property is removed without interference - see OMS 122.03.

(14) TRANSPORTATION OF VICTIM AND CHILDREN:

An officer is authorized to use every reasonable means to protect the alleged victim or victim's children to prevent further violence, including the provision of transportation to a shelter or other location within a reasonable distance for those domestic violence victims fearful of their safety. The Denver Police Cab Voucher Program through the Victim's Assistance Unit may also be used for this purpose. The Victim's Assistance Unit may be contacted Monday through Friday (8 am to 5 pm), and Saturday and Sunday (7 am to 3 pm). If after regular business hours, on-call Victim's Assistance personnel may be contacted through Denver 911.

(15) CHARGING OPTIONS – INVESTIGATIVE UNIT OFFICERS:

If the district attorney's office declines to file state charges after a case has been investigated by a detective, but there is probable cause to believe that a municipal ordinance violation occurred, the detective will complete and serve a Unified Summons and Complaint, or if necessary will complete a Unified Summons and Complaint/warrant. Note: All domestic violence incidents involving a juvenile suspect are handled by the Denver District Attorney's Office. The Denver City Attorney's Office does not file DOMV cases against juveniles. Copies of the General Occurrence (GO) report and any other associated reports will be attached to the city attorney's copy of the appropriate form.

(16) DOMESTIC VIOLENCE INCIDENTS WITH A POLICE OFFICER OR DEPUTY SHERIFF AS THE SUSPECT:

- a. It is the policy of the Denver Police Department that criminal acts involving domestic violence will be handled in the same manner as other alleged criminal acts believed to have been committed by a Denver police officer. When a Denver police officer, Denver deputy sheriff, or any other law enforcement officer is a suspect in a domestic violence incident occurring within the City and County of Denver, the officer will be processed and incarcerated in the same manner as any other citizen, using the following guidelines.
- b. Suspect police officer/deputy sheriff at the scene:
 1. Upon determining there is probable cause to believe a crime has occurred and a Denver police officer, Denver deputy sheriff, or any other law enforcement officer is the alleged suspect, the officer/deputy will be detained at the scene by the highest ranking officer present and the Internal Affairs Section notified.
 2. Upon the arrival of a command officer from the Internal Affairs Section, the suspect will be advised of his/her Miranda rights, arrested and charged appropriately by the Internal Affairs Section command officer.
 3. The suspect police officer or deputy sheriff will then be taken to the Detention Center, jailed, and arraigned by a judge at the next available opportunity.
 4. The Internal Affairs Section command officer will offer the suspect police officer or deputy sheriff the assistance of the employee organizations, psychological services, and Peer Support.
 5. The suspect officer or deputy's chain of command will be immediately notified of the incident.
 6. While at the scene, the investigating Internal Affairs Section command officer will offer the victim the services of the Denver Police Department Victim Assistance Unit and encourage the victim to use this resource. The Internal Affairs Section command officer will arrange for immediate telephone contact between the victim and the Crisis Services Division Director (or designee). If the victim should decline to discuss the situation with the Crisis Services Division Director (or designee) the IA command officer will inform the director of the details of the incident. A copy of the General Occurrence (GO) report completed for the incident should be forwarded to the Crisis Services Division Director by the next business day.
- c. Suspect police officer or deputy sheriff no longer at the scene:
 1. A command officer from the Internal Affairs Section will conduct and supervise the investigation. If probable cause is established, a US&C/warrant or probable cause warrant will be obtained.
 2. Every reasonable effort will be made to locate the suspect police officer/deputy sheriff.
 3. When the police officer/deputy sheriff is located, a command officer from the Internal Affairs Section (or designee) will immediately serve the police officer/deputy sheriff with the warrant and jail the police officer/deputy sheriff, with processing as indicated by the warrant.

4. The police officer's or deputy's chain of command will then be notified by the Internal Affairs Section command officer.
5. While at the scene, the investigating Internal Affairs Section command officer will offer the victim the services of the Denver Police Department Victim's Assistance Unit and encourage the victim to use this resource. The commander will make immediate telephone contact between the victim and the Crisis Services Division Director.
If the victim should refuse to discuss the situation with the Crisis Services Division Director, the Internal Affairs command officer will inform the director of the details of the incident. A copy of the General Occurrence (GO) report completed for the incident should be forwarded to the Crisis Services Division Director by the next business day.
- d. Any Denver police officer, who witnesses or has firsthand knowledge of a domestic violence incident involving another Denver police officer or Denver deputy sheriff, regardless of jurisdiction of occurrence, must report that incident. See OMS 3.07.
 1. The reporting officer will notify his/her commanding officer through the chain of command. The reporting officer's commander, after being notified, will immediately notify a command officer within the Internal Affairs Section.
 2. If off-duty, the reporting officer will notify Denver 911, which will notify the Internal Affairs Section.
 3. Officers who witness or have firsthand knowledge of a domestic violence incident involving a Denver police officer or deputy sheriff as the alleged suspect, and who fail to officially report this information, will be subject to departmental discipline, regardless of the jurisdiction of occurrence of the alleged incident.
- e. The Internal Affairs Section will conduct any criminal investigations concerning Denver police officers, Denver deputy sheriffs, or any law enforcement officer alleged to be involved in domestic violence incidents within the City and County of Denver. The Major Crimes Division, at the request of the Internal Affairs Section, will provide appropriate assistance in the investigations.
 1. If probable cause exists to believe an incident of domestic violence involving a Denver police officer, Denver deputy sheriff, or any law enforcement officer has occurred, a command officer from the Internal Affairs Section will be notified immediately. If the incident has occurred within the past twenty-four hours within the City and County of Denver, the Internal Affairs Section command officer (or designee) will respond to the scene or to the location of the victim.
 2. If an alleged incident of domestic violence involving a Denver police officer or Denver deputy sheriff occurs outside the City and County of Denver, the Internal Affairs Section will assist the outside investigating agency, however possible. The Internal Affairs Section will also initiate an internal investigation regarding possible administrative charges associated with the alleged incident.
- f. Police officers or deputy sheriffs who are alleged suspects in domestic violence incidents may avail themselves of departmental resources such as the Peer Support Program, the Police Department Psychologist, or the Chaplain Program. These resources, or others with which an officer is familiar, are available outside the scope of any other departmental or criminal action.

(17) OFFICERS SUBJECT TO A DOMESTIC VIOLENCE RESTRAINING ORDER:

- a. Any sworn member of the Denver Police Department who is the subject of a protection order arising from a domestic violence situation is ordered to provide a copy of that order to the Internal Affairs Section within 24 hours of its receipt. This provision does not apply to the mutual protection orders automatically issued in the filing of routine divorce cases; it only applies to those orders issued due to incidents involving allegations relating to domestic violence.

- b. When an officer appears at the Internal Affairs Section with a protection order, an Internal Affairs Section supervisor will review the order to determine if it meets the criteria under the Federal Crime Bill. If the order satisfies the criteria, the officer will be served a document advising him/her of the crime bill restrictions.

(18) PHYSICIAN REPORTING OF DOMESTIC VIOLENCE:

- a. Denver 911 personnel will dispatch a police officer to a report of domestic violence irrespective of the victim's willingness to report the incident, the jurisdiction in which the incident occurred, or the lack of information on the part of the physician or physician's staff placing the call.
- b. Officers responding to a physician's office to take a report of a domestic violence incident for which the Denver Police Department has jurisdiction, will follow established procedures.
- c. If the available information is insufficient to determine the presence of a crime or the jurisdiction, a General Occurrence (GO) report, titled "Letter to Detectives", will be completed and forwarded to the Domestic Violence Unit for investigation.
- d. Where Denver does not have jurisdiction, the details will be forwarded to the appropriate jurisdiction for disposition.

104.33 ARREST/DETENTION OF FOREIGN NATIONALS

(1) ARREST OR DETENTION OF FOREIGN NATIONAL:

Whenever any foreign national is arrested or detained, the arresting officer will determine the arrestee's country of citizenship and whether the arrestee wants his/her embassy to be notified.

(2) COORDINATION WITH IDENTIFICATION SECTION:

The arresting officer will then contact the Identification Section and provide that information and the arrestee's full name and date of birth.

- a. Identification Section personnel will consult the embassy notification list provided by the U.S. State Department. If the arrestee is a citizen of a country requiring mandatory notification, Identification Section personnel will make the notification.
- b. If the foreign national requests the notification, it will be made.
- c. If the arrestee's country of citizenship does not require mandatory notification and if the arrestee does not want notice given, no further information is necessary except that the arresting officer will note this information on the arrest documents.
- d. The Identification Section will keep a record of all such foreign embassy notifications.

(3) UNDOCUMENTED IMMIGRANTS:

This includes illegal and "undocumented aliens" as referred to in the Federal Immigration and Naturalization Act.

- a. The responsibility for enforcement of immigration laws rests with the U.S. Immigration and Customs Enforcement (ICE). Denver police officers will not initiate police actions with the primary objective of discovering the immigration status of a person.
- b. Officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant. If enforcement action is deemed necessary under these circumstances, the approval of an on duty supervisor or command officer is required. In addition, the commander of the involved officer will be notified as soon as possible.
- c. Individuals will not be held in custody solely on the basis of an ICE detainer request or administrative warrant.
- d. Physical evidence pertaining to immigration violations will be placed in the Evidence and Property Section as evidence when there is no arrest made. A letter detailing the circumstances of the

recovery of the property and the property invoice number will be sent to the Commander of the Major Crimes Division for disposition.

- e. All questions pertaining to the handling of immigration related cases will be directed to the officer's supervisor and/or commanding officer. In addition, the Civil Liability Section is available for guidance regarding enforcement and non-enforcement immigration matters.

104.34 NUISANCE ABATEMENT

(1) GENERAL GUIDELINES:

It is the policy of the Denver Police Department that real property and vehicles upon which Public Nuisance activity, as defined by Denver Revised Municipal Code (DRMC) 37-50 and CRS §16-13-303, is occurring be investigated using sound investigative practices, in a manner consistent with the goal of abating the activity.

- a. Abatement of criminal activity occurring at real properties may be obtained through the following means, in order of preference:
 1. Intervention and resolution by the district officer, neighborhood police officer, or community resource officer.
 2. Investigation by the Public Nuisance Abatement Unit (PNAU) and voluntary compliance with an Abatement Plan.
 3. Court action and seizure.
- b. Because it is difficult to determine which nuisance situations will be abated through voluntary compliance, the following procedures and guidelines will be followed. They are not all-inclusive and should be interpreted as minimal standards.

(2) PUBLIC NUISANCE DEFINED:

- a. Properties which are experiencing only health, zoning, or building violations are not public nuisance properties and should be referred to the appropriate city agency for inspection and follow-up. These properties may also be handled in a manner established by district or section commanders, consistent with community needs.
- b. A property or vehicle will be referred to the Public Nuisance Abatement Unit for investigation as a public nuisance when one or more of the following illegal activities occur, regardless of whether the person engaged in the activity is a patron, employee, owner, resident, occupant, guest, or visitor.
- c. Class One Public Nuisance Offenses:
 1. Prostitution (CRS §18-7-201)
 - Soliciting for prostitution (CRS §18-7-202)
 - Pandering (CRS §18-7-203)
 - Keeping a place of prostitution (CRS §18-7-204)
 - Pimping (CRS §18-7-206)
 2. Professional gambling (CRS §18-10-102(8))
 - Maintaining a gambling premises (CRS §18-10-102(5))
 - Keeping of a gambling device or record (CRS §18-10-102(7))
 3. Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use, or possession of any controlled substance (CRS §18-18-102, §18-18-104, §18-18-404, §18-18-405 or §18-18-406)
 - Any imitation controlled substance (CRS §18-18-420(3), §18-18-421 or §18-18-422)

- Any counterfeit controlled substance (CRS §18-18-423), except for simple possession of less than eight (8) ounces of marijuana
 - 4. Unlawful manufacture, sale, advertisement, or distribution of drug paraphernalia (CRS §18-18-426, CRS §18-18-427, CRS §18-18-429 and CRS §18-18-430)
 - 5. Prostitution of a child (CRS §18-7-401)
 - Soliciting for child prostitution (CRS §18-7-402)
 - Pandering of a child (CRS §18-7-403)
 - Keeping a place of child prostitution (CRS §18-7-404)
 - Pimping of a child (CRS §18-7-405)
 - Inducement of child prostitution (CRS §18-7-405.5)
 - 6. Sexual exploitation of children (CRS §18-6-403)
 - 7. Two or more signed complaints within a 180-day period of disturbing the peace (as defined by DRMC 38-89)
 - 8. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use or sale of firearms, knives and/or assault weapons, dangerous weapons, including:
 - Defaced firearms (DRMC 38-117, 38-119, 38-121, 38-122, and 38-130 - CRS §18-12-102, CRS §18-12-103, CRS §18-12-105, CRS §18-12-106, and CRS §18-12-108)
 - Any offense relating to incendiary devices (CRS §18-12-109 or DRMC 38-126)
 - 9. Any gang-related criminal activity
 - 10. Any drive-by crime (CRS §16-13-301)
 - 11. Three (3) or more offenses within any one-year period of selling, serving, giving away, disposing of, exchanging, delivering, or permitting the sale, serving, giving or procuring of any malt, vinous, or spirituous liquor, or fermented malt beverage, to or for any person under lawful age or to a visibly intoxicated person (CRS §12-47-128(1)(a) and §12-46-112(1)(b)(I)). However, if a person who, in fact, is not of lawful age exhibits a fraudulent proof of age, the selling, serving, procuring, giving away or dispensing of beverages to that person will not constitute a public nuisance.
 - 13. The sale at retail of any malt, vinous, or spirituous liquors, or fermented malt beverages in sealed containers, or the manufacture, sale or possession for sale of any malt, vinous, or spirituous liquors, without holding a valid license in full force and effect to do so under Title 12, Article 47 (and as defined by CRS §12-47-128(f), (g), and CRS §12-46-112(1)(f)).
 - 14. The unlawful transportation or storage of any property that is the subject of a felony theft, misdemeanor theft, or theft by receiving (under CRS Title 18).
 - 15. Vehicular Eluding (CRS §18-9-116.5) or Eluding or Attempting to Elude a Police Officer (CRS §42-4-1413)
 - 16. Speed Contests (CRS §42-4-1105)
 - 17. Habitual traffic offenders (CRS §42-2-202, §42-2-206)
 - 18. Sexual assaults or attempted sexual assaults (CRS §18-2-101, §18-3-402, §18-3-404, §18-3-405, §18-3-405.3, §18-3-405.5)
 - 19. Indecent exposure (CRS §18-7-302)
 - 20. Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances (CRS §18-18-411)
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- The unlawful possession of materials to make amphetamine and methamphetamine, (CRS §18-18-412.5)
 - The unlawful sale or distribution of materials to manufacture controlled substances (CRS§18-18-412)
 - Possession of one or more chemicals or supplies or equipment with intent to manufacture a controlled substance (CRS §18-18-405)
 - The unlawful cultivation, manufacturing, sale, offer for sale, or distribution of medical marijuana without a license (article XII, chapter 24, DRMC)
 - The unlawful cultivation, manufacturing, sale, offer for sale, or distribution of retail marijuana without a license (article V, chapter 6, DRMC or (is this 38-178?))
21. Keeping, maintaining, controlling, renting or making available property for the unlawful operation of a medical marijuana dispensary without a license (article XI, chapter 24 DRMC) (is this 38-178?)
22. Criminal mischief where the aggregate damage exceeds \$1,000.00 (CRS §18-4-501)
23. Impersonation of a police officer (CRS §18-8-112 and DRMC chapter 38, Article II, section 38-33)
24. Illegal dumping (DRMC chapter 48, Article IV, section 48-44)
- Unlawful disposal of trash in certain containers (DRMC chapter 48, Article IV, section 48-44.5)

d. Class Two Public Nuisance Offenses:

Any parcel of real property, personal property, or vehicle, on or in which any of the following illegal activities occur, or used to commit, conduct, promote, facilitate, or aid the commission of any of the following illegal activities. For purposes of this section, the illegal activity will have the same definition as that contained in the pertinent section of the Colorado Revised Statutes or the Denver Revised Municipal Code listed after the activity:

1. Possession of injection devices (DRMC 38-173)
2. Two (2) or more offenses within any one-hundred-eighty (180) day period of prohibited noises (DRMC 38-101)

(3) INVESTIGATIVE RESPONSIBILITY:

Primary responsibility for investigation of public nuisance violations rests with the Public Nuisance Abatement Unit.

- a. Detectives from the Vice/Narcotics Section, district narcotics units, and community resource officers from each district will be responsible for certain investigations of public nuisance activities and will work in conjunction with the department's Public Nuisance Abatement Unit.
- b. The Vice/Narcotics Section or respective district narcotics unit investigates public nuisance activity involving the seizure and forfeiture of real property, money, vehicles, or other items. In these instances, personnel from the Vice/Narcotics Section or respective district narcotics units will handle all aspects of the public nuisance investigation from start to finish.
 - Public nuisance investigations involving prostitution, problem bars and liquor establishments, and gambling may be referred to the Public Nuisance Abatement Unit for investigation even if no criminal charges are filed against individuals.
- c. District Community Resource Officers (CRO) will work in coordination with the Public Nuisance Abatement Unit to abate any Public Nuisance problems.

(4) PUBLIC NUISANCES INVOLVING VEHICLES:

If any public nuisance violation occurs in a vehicle, the vehicle will be impounded with a hold for the Public Nuisance Abatement Unit. During times when the Impound Facility is on emergency status, discretion is left to the officer's supervisor whether the circumstances dictate overriding this provision and towing a vehicle is appropriate.

(5) ASSET SEIZURE AND FORFEITURE:

The Denver District Attorney's Office, Property Confiscation Division is responsible for filing all forfeiture actions. The Denver District Attorney's Office, Property Confiscation Division will provide guidance during all phases of forfeiture actions.

- a. Types of property subject to confiscation: *(Generally, the minimum value of property submitted for a forfeiture filing must be \$1000.00 or more)*
 1. Money: Currency and other financial assets which are proceeds of a crime, or intended to be used to facilitate a crime (e.g., bank accounts, CD's, stocks, savings bonds, etc.).
 2. Real estate: May include houses, condominiums, town homes, businesses, etc., as well as the building's fixtures and contents.
 3. Vehicles: Those used in the commission of the crime, conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime.
 4. Personal property: Items used in conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime; bought with money earned from the crime (e.g., computers, high-end televisions, electronic equipment, bicycles, etc.).
- b. Crimes for which property can be confiscated - Class 1 Public Nuisance (CRS §16-13-303)
 1. There must be proof by clear and convincing evidence the property to be forfeited was "instrumental" (i.e., a substantial connection between the property to be seized and the crime committed) in the commission or facilitation of a crime creating a public nuisance or the property constitutes traceable proceeds of the crime or related criminal activity.
 2. For property to be forfeited, the law generally requires that an owner of the property had knowledge or notice of the criminal activity, or prior similar activity.
 3. There will be an accompanying criminal filing on an owner of the property in most cases. Assigned detectives will discuss with the Denver District Attorney's Office, Property Confiscation Division for any exceptions to this rule (e.g., no one will claim the property, fugitive owner, dead owner, no innocent owner, etc.).
- c. Forfeiture affidavit:
 1. A forfeiture affidavit will be completed after meeting the criteria set forth in section (5) a. and b.
 - a. A "Stipulation for Entry of Judgment" (sign-over form) may be utilized in cases involving currency seizures of \$500 - \$3,000 where the suspect voluntarily agrees to sign over the currency at the time of arrest.
 - b. Even with a signed "Stipulation for Entry of Judgment," the assigned detective will still need to complete a "Judgment and Order of Abatement and Forfeiture" and a "Complaint" to be presented with a copy of the case file to the Denver District Attorney's Office, Property Confiscation Division.
 2. Detectives will submit the forfeiture affidavit to the Denver District Attorney's Office, Property Confiscation Division, within twenty (20) days of the seizure of property, to enable the district attorney to comply with the sixty (60) day court case filing requirement from date of seizure (the deadline runs from the seizure of the property, not the filing of the criminal case). The assigned detective will send copies of ALL related paperwork with the forfeiture affidavit, unless directed otherwise by the Denver District Attorney's Office, Property Confiscation Division.

- a. Property held as evidence may be exempted from this requirement; however, the Denver District Attorney's Office, Property Confiscation Division, will make this determination. This exception should not be relied upon due to the unpredictable timing of the conclusion of the criminal case.
 - b. The district attorney's office should be notified immediately and provided a copy of the case and ownership information when real property may be a target of forfeiture, so that a "Notice of Seizure" may be filed with the Clerk and Recorder to prevent refinancing or sale of the property.
 - d. Service of Process:
 1. Each person with rights (or claim) to potentially forfeited property (generally those persons listed as defendants in the case caption) will be served with a copy of the civil forfeiture case filing documents and an "Affidavit of Service" to be filled out and returned to the Denver District Attorney's Office, Property Confiscation Division. The Denver District Attorney's Office, Property Confiscation Division will provide the assigned detective with the "Affidavit of Service" and packet of documents to be served. The assigned detective will check to ensure each packet has complete copies of all of the documents listed on the "Affidavit of Service," so the detective can testify, if necessary, that complete copies were served. Generally, the documents include but are not limited to:
 - Summons
 - Complaint
 - Affidavit of the Detective (forfeiture affidavit)
 - Motion for Temporary Restraining Order (if applicable)
 - Temporary Restraining Order (if applicable)
 - District Civil Case Cover Sheet for Initial Pleading of Complaint
 2. The assigned detective will complete service to all named persons within thirty (30) days of receiving the "Affidavit of Service" packet from the Denver District Attorney's Office, Property Confiscation Division. Services which cannot be timely completed due to vacation, reassignment, or other unavailability of the assigned detective will be reassigned by a supervisor.
 - a. If service cannot be made, the assigned detective will prepare an "Affidavit in Support of Petition for Service by Publication." The affidavit will articulate the detective's diligent, good faith efforts to locate and serve the named parties.
 1. In cases involving a defendant with a related criminal case, a detective will not complete an "Affidavit in Support of Petition for Service by Publication" unless the defendant failed to appear at the criminal action.
 2. If the defendant's first court appearance falls outside the thirty (30) day window for service, contact the Denver District Attorney's Office, Property Confiscation Division for direction.
 3. If the criminal case is over, contact the defendant's probation officer or correctional institution where defendant is an inmate to assist with completion of service
 - b. The "Affidavit in Support of Petition for Service by Publication" will be forwarded to the Denver District Attorney's Office, Property Confiscation Division within forty-five (45) days from the day the forfeiture case was filed (or fifteen [15] days from the original thirty [30] day deadline for service).
 - e. Temporary Restraining Orders
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1. In the absence of exigent circumstances where there is a compelling need to immediately close a property, defendants must be provided notice and an opportunity for a hearing before physically seizing a house or any other form of real property. The Denver District Attorney's Office, Property Confiscation Division will make this determination.
2. The assigned detective will coordinate with the Civil Division of the Denver Sheriff Department to conduct the physical posting of the Temporary Restraining Order on the door(s) of said property.
 - a. Should the location be unoccupied; the assigned detective will coordinate to have a locksmith allow officers entry.
 - b. If the property in question has been vacated by the defendant(s) or the location now contains a new, unrelated business, the Temporary Restraining Order posting is unnecessary as is the inventory search of the property. Notification will be made immediately to the Denver District Attorney's Office, Property Confiscation Division in these instances.
3. The assigned detective will read the Temporary Restraining Order thoroughly to determine exactly what the assigned detective can and cannot do.
 - Generally, the provisions of a Temporary Restraining Order allow for: posting the TRO on the premises, performing an inventory search of the property, placing currency and valuables into property and seizing evidence found in plain view.
4. Each named defendant at the location will be served with a service packet and an "Affidavit of Service" to be completed and returned to the Denver District Attorney's Office, Property Confiscation Division. Defendants will be advised they have ten (10) business days to request a hearing and twenty (20) business days to file an answer to the court; the defendants are not being evicted at the time of the Temporary Restraining Order service.
5. The assigned detective will perform an inventory of the property, video recording the contents of the property. Currency and valuable articles are to be placed into the Evidence and Property Section for safekeeping. The Temporary Restraining Order allows for the inventory of the entire property; thus evidentiary items discovered during the inventory may be seized.
 - a. The assigned detective will place all items recovered from the inventory search into the Evidence and Property Section with a copy of the Temporary Restraining Order, and will report to the Denver District Attorney's Office, Property Confiscation Division any additional items seized.
 - b. A forfeiture affidavit will NOT be required for items seized during the service of the Temporary Restraining Order unless the assigned detective is instructed to do so by the Denver District Attorney's Office, Property Confiscation Division.

104.35 OPERATIONAL PLANNING

(1) POLICY:

It is the policy of the Denver Police Department that all anticipated operations listed below are thoroughly planned and that those plans are documented and discussed with all personnel responsible for its execution.

(2) DEFINITIONS:

Tactical Operation: Any high-risk operation that requires a coordinated effort by officers to accomplish a police objective by use of approved tactics. Tactical operations are typified by the use of uniformed personnel.

High Risk Operations: An operation that presents an elevated risk to all participants and may require additional and/or specialized personnel or equipment to help ensure the safety of all participants. Tactical operations are generally non-covert in nature.

High Risk Plainclothes Operation: Any operation that requires officers to operate in a plainclothes or undercover capacity to accomplish a police objective.

Covert Operation: Investigations or police actions utilizing plainclothes officers and unmarked police cars to conduct surveillance, gather evidence, or apprehend persons involved in criminal activity. Examples include but are not limited to: search warrant execution, controlled deliveries, surveillances which are intended to result in the arrest of dangerous persons, robbery stakeouts, property crime stakeouts, etc. NOTE: The approving operations supervisor must make notification to the affected districts and/or sections.

- **Undercover Operation:** An authorized clandestine criminal investigation involving the use of sworn officers, confidential informants, or other cooperating individuals, in an attempt to actively infiltrate or otherwise covertly gather information, intelligence or evidence from an individual or group reasonably suspected of being involved in criminal activity. Examples include but are not limited to: "buy bust" operations, reverse stings, controlled buys, and murder-for-hire investigations.

Non-Covert Operations: Investigations or operations utilizing uniformed personnel and marked police cars. Plainclothes personnel may also be utilized during a non-covert operation. The objective is to provide police services that involve the coordination of a greater number of officers than would be required for a "routine" planned response. Examples include but are not limited to: high profile demonstrations, dignitary visits, large public gatherings, parades, festivals, and sporting events.

Operation Commander: The highest ranking command officer having overall authority over the operation or event.

Operation supervisor: The supervisor or command officer who conducts the operational briefing will be referred to as the operation supervisor

(3) DUTIES AND RESPONSIBILITIES OF PARTICIPATING PERSONNEL:

a. Officer responsibility:

Officers who conduct investigations or operations that meet the definitions as described above will be required to complete an Operational Plan Briefing (DPD 567).

b. Supervisor Responsibility:

1. The immediate supervisor of the officer drafting the operational plan will review it in its entirety, ensuring that the plan is thorough, complete, and complies with the operations manual. During the review process, the immediate supervisor will discuss options and alternatives to the proposed plan. The safety of participating officers, the general public, and suspect(s) is of paramount importance and will be considered during the review process.
2. In the absence of exigent circumstances, officers will not engage in any operation unless a command officer (acting lieutenant at a minimum) has reviewed and approved the request for such undercover operation, either in writing, verbally, or electronically prior to the initiation of the undercover operation.
3. In the absence of exigent circumstances, a command officer, before implementation, must approve all operational plans in writing, verbally or electronically. In the event that there is an immediate need for a tactical operation (i.e. any officer safety or public safety issues where immediate response is required), a command officer approval is not required in advance, but must be obtained as soon as practicable.

4. The operation supervisor will be tasked with conducting an operational briefing. The officer who drafted the operational plan will assist as needed during the briefing. The operation supervisor will assure that all participants are present and attentive at the briefing.
 5. The operational briefing will be a planning session of all members involved in the tactical operation. This briefing will include all pertinent information, which will enhance both the implementation and safety of the operation. It is imperative that all participating undercover officers be available for the briefing so that all team members are familiar with their physical appearance. The operational briefing will include all updated intelligence as well as objectives of the operation.
 6. The operation supervisor has overall responsibility for implementing and executing the operational plan. The operation supervisor will be in charge of the operation through its conclusion. The officer who drafted the plan will assist the operation supervisor. The operation supervisor will be in close proximity to the actual operation and will monitor all radio traffic regarding the operation.
 7. Drafting an After Action report detailing police actions taken in those operations that may draw media attention.
- c. Command Officer Responsibility:
1. A command officer of the initiating officer will review and approve the Operational Plan Briefing form (DPD 567). The command officer should address with the supervisor any areas of concern and ensure that it meets policy requirements.
 2. The command officer will send the original copy of the operational plan to the Civil Liability Section via email DPD-CLB@denvergov.org. Operational plans will be retained by the Civil Liability Section for a period of 5 years. Because the operational plans are solely for officer safety purposes, the command officer of the initiating officer will ensure that all other copies of the operational plan are destroyed upon completion of the tactical operation.

(4) OPERATIONAL PLANNING:

The operational plan will:

- a. Be a written synopsis of any type of anticipated tactical, covert, non-covert, plainclothes, undercover, or high-risk event. It will include specific details of the operation, a brief description of the objective, and will indicate that appropriate notifications are made to ensure proper approval, de-confliction and availability of assistance.
- b. Address Safety Concerns:
 1. Ensure there is sufficient personnel, including when appropriate, those with tactical expertise.
 2. The planned operational location and time provide the safest reasonable and practical option available. Considerations regarding location and time of day include ensuring that planned operations avoid (whenever possible and practical) in-session schools, densely populated areas or locations that will hinder or complicate police efforts. Executing operations in isolated areas will help ensure sufficient visibility to conduct the operation safely, etc.
- c. Detail participating units, supervisors, command officers, and radio communications.

(5) IMPLEMENTATION:

- a. The operation supervisor will:
 1. Authorize or cancel the operation, based on all available information and the provisions of Denver Police Department policy.

2. Continually assess the risks and hazards involved in allowing the operation to continue, and make a decision to allow the operation to continue or order it to be delayed or terminated. Considerations will include the presence of children or other at-risk persons.
 3. Communicate with the initiating officer throughout the course of the operation to determine if the goals and objectives of the operation are being met.
 4. Communicate as needed with a member of the Denver District Attorney's Office and/or members of the Denver City Attorney's Office for guidance.
 5. Notify all districts, sections, and units that have a need to know of the operation prior to its commencement. At a minimum this includes an on-duty sector/precinct supervisor, district narcotic unit supervisor or command officer of the district where the operation is being conducted, Denver 911, and in the case of a narcotics operation or other high-risk tactical operations that may conflict with narcotics operations, the HIDTA Watch Notification Center.
- b. Nothing in this section prevents the operation supervisor or the undercover officer from canceling the operation at any time.
- c. Tactical Operations:
Once an operation transitions to a tactical phase, the highest ranking officer of the unit tasked with the tactical component is in complete charge. He/she will determine the time, place and manner of arrest and intervention.

(6) VICE/NARCOTICS OPERATIONS:

- a. In those situations where the assistance of uniformed personnel will be needed, the operation supervisor will coordinate with a supervisor or command officer of the uniformed personnel.
- b. When uniformed officers request the assistance of the Vice/Narcotics Section personnel (vice / narcotics issues) or district narcotics personnel (narcotics issues), the following will apply:
 1. A Vice/Narcotics Section supervisor or command officer (vice or narcotics issues) or district narcotics supervisor or command officer (narcotics issues) will have the responsibility to review all vice or drug related operations. Any concerns that become known will be addressed with the immediate supervisor of the officer who drafted/presented the plan for consideration. The Vice/Narcotics Section or district narcotics unit has final authority for approval or rejection of operational plans.
 2. The reviewing Vice/Narcotics Section or district narcotics supervisor or designee will confirm the event and location has been confirmed and de-conflicted per OMS 104.38. This supervisor will also ensure the HIDTA Watch Center has been notified.
 3. All department personnel are required to notify the appropriate district narcotics unit or the Vice/Narcotics Section regarding all vice/narcotics-related investigations prior to undertaking any enforcement/investigative action.
 4. A Vice/Narcotics Section or district narcotics detective and the officer's supervisor will accompany any officer conducting a drug enforcement related "knock and talk," unless an officer has received adequate training in narcotic investigations, as prescribed by the Chief of Police (or designee). This does not prohibit officers from taking appropriate action for on sight violations or those detected during a routine patrol. If the "knock and talk" is considered high-risk, an operational plan and operational briefing will be completed. See OMS 304.00
 5. This policy does not prevent officers from making an on-view narcotics arrest without the assistance of the Vice/Narcotics Section or district narcotics unit personnel.

(7) UNDERCOVER OPERATIONS INVOLVING CONSUMPTION OF ALCOHOLIC BEVERAGES:

- a. Purpose:

The Denver Police Department recognizes that undercover operations are a necessary law enforcement tool. Furthermore, it is recognized that alcoholic beverages are sometimes required as a prop to complement the role of an undercover officer in a particular setting. More importantly, it may also be necessary to protect the safety of the undercover officer.

b. Policy:

The on-duty consumption of alcoholic beverages only will be permitted where it is absolutely necessary to maintain the officer's undercover status in an authorized covert investigation. A command officer must approve such consumption in advance. The operations supervisor or approving command officer will be present in the field during all such operations and ensure the consumption of alcoholic beverages does not result in the officer's inability to perform official police duties.

c. Training:

The Vice/Narcotics Section will provide training to officers and supervisors who may need to possess, purchase, or consume alcoholic beverages during the performance of their official duties. The training will address department policy, officer safety, and specific techniques to minimize the consumption of alcoholic beverages by the undercover officer. NOTE: Officers are reminded of their requirement to adhere to OMS 304.00 regarding the notification of Vice/Narcotics Section personnel, prior to the commencement of any vice/narcotics related operation or investigation.

d. Consumption of alcohol by an undercover officer:

1. The undercover officer must submit an operational plan to his/her command officer describing the investigation as required in the plan outline. The supervisor will review the operational plan for completeness, soundness, and any officer safety concerns.
2. The undercover officer will explain the necessity for consuming alcohol during the investigation. The command officer will consider the request and give authorization, if deemed necessary.
3. The undercover officer(s) will be covered by a surveillance team. The operation supervisor will take into account the totality of the circumstances to determine the composition of this team. The members of this team will not consume alcoholic beverages during the surveillance. The operation supervisor or approving command officer will be present during the operation and monitor the surveillance.
4. The undercover officer(s) will not consume more than one (1) drink per hour or more than three (3) drinks during any assigned duty shift.
5. The operation supervisor or approving command officer will meet with the undercover officer(s) immediately following the undercover assignment to determine the involved officer's ability to continue to work and/or drive.
6. An undercover officer who has consumed any amount of alcohol during an on-duty shift will not be permitted to participate in any tactical operation. Tactical operations include, but are not limited to: "buy-bust" operations, reverse sting operations, high risk entry search warrants, a "knock & talk" consent search operation, or any operation where prior consumption of alcohol is determined to be a safety or liability concern.
7. If the operation supervisor or approving command officer determines that the officer is unable to continue to work and/or drive, the officer will be transported to the office. If necessary, the officer will be transported to his/her residence at the conclusion of the shift.
8. The operation supervisor or approving command officer will submit a DPD 200 to the officer's commanding officer, outlining post-operation observations of the officer. A copy

of the operational plan will be attached. The officer's commanding officer will be responsible for maintaining these forms for a period not to exceed six (6) months.

9. Undercover officer(s) will use only official department funds to purchase evidence and alcoholic beverages. Officers are not permitted to use personal funds or vehicles during undercover operations.

104.36 TACTICAL EVENT DE-CONFLICTION POLICY

(1) **PURPOSE:**

The primary purpose of tactical event de-confliction is to ensure officer safety. Secondary to this is to prevent enforcement and/or investigative conflicts between law enforcement units, sections and other agencies. The goals of such de-confliction are to reduce duplication of effort, promote the exchange of information crucial to multi-unit, multi-jurisdictional operations and investigations; and to coordinate units, sections and agencies with common interests. Tactical event de-confliction must be performed as part of operational planning, pursuant to OMS 104.38 (Operational Planning). The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of available software to insure safety during enforcement operations.

(2) **DEFINITIONS:**

Event conflict: A law enforcement event which occurs either at the same location, time, or has common suspects with another unit, section, or agency. These types of conflicting events often are unknown to the receiving jurisdiction.

Tactical event de-confliction: The coordination of any number of law enforcement events, which may have the potential to involve conflicting times, geographic areas, or suspects. Also known as event de-confliction.

Law enforcement events needing tactical event de-confliction: Undercover operations to include but not limited to; controlled buys, reverse stings, controlled deliveries, arrest warrants, search warrants, consent searches, stationary surveillances, staging locations, mobile surveillance, clandestine lab site, undercover meetings, and storefront operations.

RISSafe: The Regional Information Sharing Systems (RISS) tactical de-confliction application. This program is administered through the local RISS Center – the Rocky Mountain Information Network (RMIN). RISSafe software is a secure, permission based application. The RISS Program is funded by the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. RISSafe was created by RISS to provide a national event de-confliction service for law enforcement as officer safety is a key element in the information sharing environment. This application has an intelligence module; however, Denver Police Department officers are forbidden to populate those fields. RISSafe will only be used for event de-confliction.

RMIN: The Rocky Mountain Information Network (RMIN) is the regional RISS Center, supporting Colorado, Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming & portions of Canada.

RISSafe Training PowerPoint: The RISSafe tactical event de-confliction PowerPoint, accessed through the department's intranet page.

RISSafe Watch Center: Staffed location where event tactical de-confliction can be telephonically relayed and entered into RISSafe. This watch center is staffed 24 hours a day, seven days a week.

(3) **PROCEDURE:**

- a. There is always a risk that a number of events occurring within law enforcement will unintentionally overlap between agencies or even within various units/sections of the same agency. The de-confliction process itself is simple. An officer enters an event into the application either directly (as a remote user) or by calling the RISSafe Watch Center.

Required Information to enter or inform personnel of at the RISSafe Watch Center:

1. Date and time frame of operation, target(s) names;
 2. Address of the operation, including zip code;
 3. Type of operation;
 4. Staging Location;
 5. Primary agency conducting the operation and any other participating agencies;
 6. Case agent's name and office phone, cellular phone number;
 7. Alternate point of contact, including office phone and cellular phone number;
 8. Specify the radius of event (a one-tenth to five mile)
- b. If no conflict is detected by RISSafe, the information is stored in the application for the life of the event.
- c. If a conflict is detected, the application can electronically notify the involved parties (via email/text message) and in all cases the appropriate RISSafe Watch Center will contact the involved parties (via phone) and advise them that a conflict has been detected.
- d. It is mandatory to additionally notify Denver 911 either by radio or telephone as to location(s), times, and officers involved for the law enforcement event. The reporting officer will inform a Denver 911 supervisor of the time and the location of the intended operation. The Denver 911 supervisor will ensure that officers who are dispatched to the area are not unnecessarily exposed to danger, while at the same time not jeopardizing the operation or the safety of the officers involved.
- It is mandatory that officers keep Denver 911 and the RISSafe Watch Center informed of any changes that occur during the operation, such as times, locations, and spin-off operations.
 - Supervisors of the operation are required to ensure that the event de-confliction has been accomplished; adjustments to the operation are communicated through RISSafe and Denver 911 and are documented on the Operational Plan.

104.37 PERSONS WITH LIMITED ENGLISH PROFICIENCY

(1) POLICY:

All personnel will take reasonable steps to provide timely, effective access to all individuals in any encounters with the department regardless of their national origin or limited ability to speak, read, write, or understand English. In the delivery of public safety or related services, all personnel encountering persons with limited English proficiency will attempt to provide, or cause to be provided, free language assistance services.

(2) DEFINITIONS:

Persons with Limited English Proficiency (LEP): LEP individuals do not speak English as their primary language, and have a limited ability to read, write, speak, or understand English.

Primary Language: This is an individual's native tongue or the language in which an individual most effectively communicates. Personnel should ascertain an individual's primary language to ensure effective communication.

Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Translation: The replacement of written text from one language (source language) to an equivalent written text in another language (target language).

Bilingual: The ability to use two languages proficiently.

Relevant Documents: Forms and/or applications which are used by the public to conduct official business with the Denver Police Department. Relevant forms or form templates (available on designated computer drive) will be developed as deemed necessary for other languages represented within the City and County of Denver.

(3) GENERAL PROCEDURES:

- a. Personnel who encounter a person with limited English proficiency (LEP) skills will take all necessary and appropriate steps, consistent with their obligations, to establish and maintain timely and effective communication.
- b. If appropriate and necessary, department members may use the stipulated language access services or the assistance of a Bilingual employee in identifying the language in question and furthering communication. See OMS 120.04.
- c. Some persons may prefer or request to use a family member or friend as an interpreter or translator; however, family members or friends will not be used as interpreters or translators unless specifically requested or approved by that individual. Barring exigent circumstances, personnel should refrain from using minor children to provide interpretation or translation services, and use the most reliable, temporary interpreter available.

(4) INTERVIEWS AND/OR ARRESTS OF PERSONS WITH LIMITED ENGLISH PROFICIENCY:

- a. Miscommunication during interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter/translator will be used for any interview or taking of a formal statement where the suspect's, witness' or victim's legal rights could be adversely impacted and the person has limited English proficiency.
 - b. Miranda warnings, and other relevant documents (when possible), will be made available to the person with LEP skills in his or her primary language. In the case of a language into which relevant documents and/or forms have not been translated or in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the appropriate interpretation services.
 - c. Whenever an officer arrests an individual identified as a person with LEP skills, when practical they must ensure the individual has access to communication in their primary language, or upon custody transfer notify detention center personnel of the person's LEP skills. When possible and reasonable, an interpreter should be provided prior to a person with LEP skills being arrested; however, officers are not required to delay an arrest of a person with LEP skills solely on the lack of an interpreter. No interviews should be conducted without an interpreter present.
 - d. When issuing a summons and complaint to a person with LEP skills, officers will ensure that the details of the summons and complaint are explained to the recipient in his or her primary language.
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105.01 USE OF FORCE POLICY

(1) **PURPOSE:**

The Denver Police Department's objective is to deliver high quality public safety services. The department recognizes the value and sanctity of all human life and is committed to respecting and protecting the dignity, safety, and civil rights of community members, including the right to be free from inappropriate force.

Officers may, at times, be required to make forcible arrests, defend themselves or others, and overcome resistance. The department's goal for the protection of both officers and the community is that officers use non-force alternatives, including de-escalation, before resorting to the use of physical force, when time and circumstances permit. Officers may only use physical force if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an imminent threat or serious bodily injury or death to the officer or another person. When needed, officers must use only the amount of force that is reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose.

The use of force, especially force likely to result in serious bodily injury or death, is a serious action. When deciding whether to use force, and in the application of force, officers will utilize the decision-making model and department policy. The authority to use force is an extraordinary power that must never be misused or abused.

Except for certain definitions, this policy does not reference specific laws, and instead details force parameters authorized by the Denver Police Department in compliance with such legal requirements.

(2) **DEFINITIONS:**

Decision Making Model: Department personnel are guided by the DPD Decision Making Model referenced in OMS 101.01 and must ensure that nonviolent means shall be applied, when possible, before resulting to the use of physical force, and any force used is reasonable and necessary under the totality of the circumstances. The following definitions apply specifically to the use of force policy, see OMS 101.01 for a full description:

Authority: The legal authority or mandate to act.

Reasonable: Actions should be generally consistent with what a trained officer would do under similar circumstances, including using only a degree of force consistent with the minimization of injury to others.

Necessary: Force may only be used if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an escape or preventing an imminent threat of serious bodily injury or death to an officer or another person. The intended action must be required based on the circumstances and will only consist of the amount of force needed to safely accomplish a lawful purpose.

De-Escalation: Actions or verbal/non-verbal communication during a potential force encounter used to stabilize the situation and/or reduce the immediacy of the threat, so that more time, options, and resources are available for resolution without the use of force or with a reduced type of force, or reducing or ending a use of force after a resistance or threat has ceased or diminished. When possible, de-escalation must be used before resorting to the use of physical force.

Excited Delirium: A state of being in which a person develops extreme agitation, aggressiveness, overheating, and exceptional strength that cannot be managed by routine physical or medical techniques. This type of extreme exertion may result in sudden death and medical treatment should be obtained as soon as possible.

Force: The Denver Police Department's standard requires that officers must use only the amount of force reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose. Reasonable and necessary force is an objective standard, viewed from the perspective of a reasonable officer on the scene, without the benefit of hindsight. Force means the application of physical techniques or tactics, chemical agents or weapons to another person.

Hand Control: Low-level control holds (arm control, arm bar, come-along, elbow control, goosenecks, and shoulder/twist/wrist locks), pressure-point control tactics, and other types of holds intended to physically control the movement of an individual with minimal pain and/or injury, or when attempting to gain compliance with targeted pressure or joint manipulation.

Immediate Danger: A situation in which an individual is taking direct action to cause death or serious bodily injury to an officer or third person.

Imminent Threat: When an individual has the means and ability to cause death or serious bodily injury to an officer or third party at any given moment. Imminent threat is ready to take place, impending, likely to happen or at the point of happening.

Inappropriate Force: Any force that is not reasonable and necessary under the totality of the circumstances.

Lethal Force: The application of force by firearm or any other means reasonably likely to result in death under the totality of the circumstances, regardless of whether that force resulted in death.

Non-Force Alternatives: Physical actions or maneuvers that are designed to increase the likelihood of safely handling a potential use of force situation while attempting to reduce the need for force or the amount of force necessary. This may include:

- Command presence
- Advisements
- Warnings
- Verbal persuasion and commands
- Time, distance, and cover (withdrawing to a position more tactically secure or which allows greater distance to consider or deploy a greater variety of force options)

Patrol Dog: A canine that is trained and utilized to locate criminal subjects and apprehend if necessary.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree.

Totality of the Circumstances: All of the facts and circumstances an officer knew, or reasonably should have known, without mere conjecture or speculation, at the time of the use of force, based upon a continual assessment of the situation, however rapid. This includes, but is not limited to, the seriousness of the threat of injury posed to the officer or other persons, the seriousness of the crime in question, and the officer's use of de-escalation techniques, when possible, and/or the use of other non-force alternatives, all viewed from the perspective of a reasonable officer.

(3) TYPES OF RESISTANCE:

The following types of resistance represent ways in which an individual indicates unwillingness to comply with an officer's orders, physically obstructs an officer's attempt to gain compliance, or physically attacks

an officer or others: The authorized force response to the behavior(s) and/or resistance(s) listed below are illustrated on the Resistance and Response Chart.

- a. Psychological Intimidation: Non-verbal cues in attitude, appearance, demeanor, or posture that indicate an unwillingness to cooperate, comply, or threaten an officer or other person.
- b. Verbal Non-Compliance: Verbal responses indicating an unwillingness to comply with an officer's directions, or threaten to injure a person without the present ability to carry out the threat.
- c. Passive Resistance: Physical actions that do not prevent an officer's attempt to exercise control of a person or place them in custody. For example, a person who remains in a limp or prone position.

NOTE: Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance. Charging DRMC 38-31 Interference with police authority (a) and/or (c) may be appropriate, depending on the circumstances.

- d. Defensive Resistance: Physical actions that attempt to prevent an officer's control, including flight or attempt to flee but do not involve attempts to harm the officer (includes "turtling," which involves a pronated individual pulling his or her arms and/or legs to their chest to prevent access and control by an officer).
- e. Active Aggression: An overt act or threat of an assault, coupled with the present ability to carry out the action, which reasonably indicates that an assault or injury to a person is likely.
- f. Aggravated Active Aggression: Lethal force encounter.

(4) FORCE GUIDING PRINCIPLES:

- a. Guidelines:
 1. Officers may be required to decisively intervene and/or use force.
 2. Officers will avoid demeanor and/or deliberate actions that precipitate the use of force. This includes tactical or strategic actions that intentionally jeopardize safety and/or hinder successful incident resolution.
 3. There are many reasons an individual may be unresponsive or resisting an arrest. It is possible that the individual's mental state may prevent him/her from comprehending the gravity of the situation, or he/she may not understand an officer's commands or actions, and it may not be a deliberate attempt to resist. If circumstances permit, officers should consider reasons why an individual is unresponsive and attempt to utilize tactics appropriate for a safe resolution.

A person's reasoning ability may be dramatically affected by several factors, including but not limited to:

 - Medical condition and/or mental impairment
 - Developmental disability and/or physical limitation
 - Language barrier
 - Drug/alcohol interaction and/or emotional crisis
- b. Considerations:
 1. An officer's conduct or actions may influence the amount of force necessary in each situation.
 2. Prior to using force and when reasonably possible, officers will:
 - Identify themselves as a police officer;
 - Attempt to de-escalate;
 - Give lawful commands;
 - Afford the person a reasonable opportunity to comply, and;

- Apply non-force alternatives, when possible, before resorting to the use of force. Utilizing these concepts and tactics can help officers maintain greater safety for themselves and others. For the purpose of this section, “reasonably possible” means that these actions must be taken prior to the use of force, unless to do so would unduly place any officer or individual at risk of injury or would create a risk of death or injury to other persons.

3. When situations occur that involve an elevated risk of physical resistance or danger to officers, when time and circumstance permit, supervisors will respond to assist with successfully and safely resolving them.
4. Force, or the threat of force, will not be used as a means of retaliation, punishment, or unlawful coercion.
5. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, can create anxiety for the community, and may result in an accidental discharge of the firearm.
 - An officer's decision to draw or exhibit a firearm will be based on the tactical situation and the officer's reasonable belief there are indicators of a substantial risk that the situation may escalate to the point where lethal force may be necessary.
 - When an officer has determined that the use of lethal force is not necessary, the officer will, as soon as practicable, holster his/her handgun or safely stow a long weapon.
6. Whenever an officer who is not CIT trained believes through his/her observations or otherwise that a person with whom the officer is dealing with may be mentally ill, developmentally disabled, or emotionally disturbed, the officer will, if circumstances reasonably permit, use non-force alternatives and request that a CIT officer respond to the scene.

c. Inappropriate Force:

The community expects, and the Denver Police Department requires, that force may only be used if non-force alternatives would be ineffective, and such force is reasonable and necessary under the totality of the circumstances.

1. Force that is not reasonable and necessary under the totality of the circumstances, including when non-force alternatives for compliance/arrest were possible and available to the officer but were not used prior to the use of force, will be deemed inappropriate force and officers can be subject to, at a minimum, discipline for violation of any applicable department policies, rules and regulations, and/or law violation.
2. Duty to report:
 - a. An officer who witnesses inappropriate force by other law enforcement officers will report it immediately to a supervisory or command officer higher-ranking than the involved officer both verbally and through DPD 12v.
 - b. An officer who witnesses another law enforcement officer compel, direct, or unduly influence an emergency medical service (EMS) provider to administer a chemical restraint (e.g., ketamine) upon any individual will report it immediately to a supervisory or command officer higher-ranking than the involved officer both verbally and through DPD 12v.
 - c. Failure to report inappropriate force is a violation of this Use of Force Policy and a violation of state law – CRS §18-8-802.

3. Duty to intervene:

Officers will intervene, without regard for chain of command, whenever they witness

another officer use inappropriate force; compel, direct, or unduly influence an emergency medical service (EMS) provider to administer a chemical restraint (e.g., ketamine) upon any individual; and/or otherwise witness the mistreatment of arrestees, suspects, or other persons. Any officer who intervenes in the use of force or restraint that exceeds the degree of force or restraint permitted, if any, under Colorado law or department policy, will not be disciplined or retaliated against for intervening or reporting inappropriate force or any other inappropriate conduct - including the failure to follow what the officer reasonably believes is an unconstitutional directive.

a. Any officer who intervenes in what they believe to be any use of force or restraint that exceeds the degree of force or restraint permitted under Colorado law or this policy, or who witnesses such physical force or restraint happening so quickly there is no time to intervene, will:

1. Report the intervention and/or what they believe to be inappropriate force or restraint immediately to his or her immediate supervisor. If the officer intervened in or witnessed inappropriate force used by his or her immediate supervisor, the officer will immediately report such the intervention and/or inappropriate force to a higher-level command officer; and
2. Complete a written report regarding the intervention and/or inappropriate force or restraint that includes: the date, time, and place of the incident; the identity, if known, and description of the participants; and a description of any intervention actions taken or, if none were taken, the reason why they were not. The report must be completed on form DPD 12v by the end of the officer's shift.

b. Any officer who intervenes in and/or reports inappropriate conduct - such as inappropriate force - will not be disciplined or retaliated against - in any way - including if the officer fails to follow what the officer reasonably believes is an unconstitutional directive.

c. Any officer who is found to have failed to intervene in the use of inappropriate force or conduct which results in serious bodily injury or death to any person, will be subject to discipline, up to and including termination.

4. Notification and consultation with Internal Affairs Bureau will occur when:

- Supervisors investigate a use of force incident with an indication of inappropriate force
- Other officers may have failed to intervene in the use of inappropriate force
- An officer reports an allegation of inappropriate force

(5) FACTORS TO CONSIDER IN DETERMINING WHETHER TO USE FORCE AND ITS APPLICATION:

Force may only be used if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an escape, preventing an imminent threat of serious bodily injury or death to the officer or another person.

a. Factors to consider include, but are not limited to:

1. The opportunity to avoid (or reduce) the use of force necessary by attempting to safely use de-escalation techniques, the decision-making model, and/or non-force alternatives.
2. The severity of the crime under investigation.
3. Whether the individual poses a threat to the safety of officer(s) or others.
4. Whether the individual is actively resisting arrest or attempting to evade arrest by flight.
5. Whether the individual has the means or capability to cause injury or death to an officer

- or another. This may include, but is not limited to, the individual's physical ability, size, age, strength, level of aggression, and any weapons in their immediate control.
6. The proximity of weapons.
 7. Environmental factors.
 8. Presence of persons who are likely to interfere.
 9. Availability of cover officers/additional resources.
 10. Individual's demonstrated mental state.
 11. Whether a person is unresponsive and the reasons for that unresponsiveness.
 12. The availability of non-force alternatives to avoid using force or to reduce the force necessary.
- b. This policy does not require that an officer attempt to select or exhaust each option before moving to another type of force but the officer should use only a degree of force consistent with the minimization of injury to the individual and must apply non-force alternatives, when possible, before resorting to using force.
- c. It is the expectation of this department that when an individual is under control, either through the application of physical restraint or the individual's compliance, only the amount of force necessary to maintain control, if any, will be used.
- d. Force/Control Options: (See Resistance and Response Chart)
1. 40 mm Launcher
 2. Baton / Impact tools (strikes)
 3. CEW/TASER
 4. Chemical Munitions (aerosol and gas munitions)
 5. Command Presence
 6. Hand Control
 7. Lethal Force
 8. Baton (arrest control / pain compliance)
 9. Patrol Dog
 10. PepperBall® System
 11. Personal Body Weapons (hands, knees, elbows, feet)
 12. RIPP™ Restraint System
 13. Noise Flash Diversionary Device (NFDD)
 14. Takedowns
 15. Voice
- e. Breathing impairment:
1. Officers will not, under any circumstance:
Use any method to apply sufficient pressure to a person in any manner that intentionally makes breathing difficult or impossible. This includes, but is not limited to:
 - Applying direct pressure to an individual's trachea or airway with the intention to reduce the intake of air, OR
 - Applying direct pressure to an individual's neck with the intention to restrict or slow the blood flow within the carotid arteries (carotid compression technique).
 2. When body weight is used in an attempt to control an individual who is resisting, it may not be used in a manner that intentionally interferes with the person's breathing and

officers will immediately cease applying body weight to an individual's back, head, neck, or abdomen once the individual is restrained and other control tactics may reasonably be utilized other than body weight.

3. As soon as possible after an individual has been handcuffed, the individual should be turned onto his/her side or allowed to sit up, so long as the individual's actions no longer place officers at risk of imminent injury. Officers will make all reasonable efforts to ensure that the individual is not left in a prone position for longer than absolutely necessary to gain control over the resisting individual.

f. **Deadly weapons:**

When confronted by an individual armed with a deadly weapon, including edged weapons, an officer will consider the totality of the circumstances, including:

1. The individual's ability to carry out an immediate attack.
2. The speed at which the incident/situation is evolving.
3. The availability of force options that may be reasonable and necessary.
4. When reasonable for the safety of officers and other persons in the vicinity, the use of non-force alternatives.

(6) FORCE AND CONTROL OPTIONS – SEE OMS 105.02.

(7) LETHAL FORCE – CRS §18-1-707 (2) & (3):

- a. Officers may use lethal force only when all other means of apprehension are unreasonable given the totality of the circumstances and
 - The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
 - The suspect poses an immediate threat to the officer or another person; and
 - The force employed does not create a substantial risk of injury to other persons.
- b. The use of lethal force is considered to be reasonable and necessary under the totality of the circumstances for the purpose of this policy if the officer has an objectively reasonable belief that a lesser degree of force is inadequate and has objectively reasonable grounds to believe, and does believe that s/he or another person is in imminent danger of being killed or receiving serious bodily injury.
 1. Before using lethal force, officers will identify themselves as a police officer and give a clear verbal warning of his or her intent to shoot or use lethal force, with sufficient time for the warning to be observed, unless to do so would unduly place the officer or others at risk of serious bodily injury or death.
 2. The use of lethal force against a person who presents a danger only to themselves is prohibited.
 3. The use of lethal force to apprehend an individual who is only suspected of a minor or nonviolent crime is prohibited.

(8) DISCHARGE OF FIREARMS:

a. **When authorized:**

The discharge of firearms must comply with applicable policies and procedures. A Denver police officer may engage in the lawful use of firearms under the following conditions:

1. In lethal force situations in strict compliance with circumstances described in section 105.01 (7).
2. In accordance with OMS 104.21, to kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical. A homicide detective must be called out if an officer kills an animal under

such circumstances.

3. To participate in authorized training.
4. To participate in any authorized competition or legitimate sporting activity.

b. Prohibited discharge:

Officers will not discharge firearms under the following conditions:

1. At another person, unless the circumstances are in compliance with OMS 105.01 (7).
2. Against persons who present a danger only to themselves.
3. Where there is likelihood of serious injury to persons other than the person to be apprehended.
4. As a warning or to command the attention of an individual(s).
5. Solely to protect property.
6. At a moving vehicle, except as permitted in OMS 105.01 (9).

(9) MOVING VEHICLES:

- a. Officers will exercise good judgment and not move into or remain in the path of a moving vehicle. Being in the path of a moving vehicle will not be the sole reason for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any occupant(s).
- b. Occupant(s):
Firearms will not be discharged at anyone in a moving or fleeing vehicle unless lethal force is being used by that person against a police officer or any other person present by means other than the moving vehicle.
- c. Vehicles:
Firearms will not be discharged at a moving vehicle for the following reasons:
 1. It may have very little effect on stopping the vehicle.
 2. Inadvertently disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle and/or bystanders may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.
- d. Vehicle Ramming Attack:
Firing at the driver of a moving vehicle or the moving vehicle itself when there is an apparent intent to inflict mass casualties may be reasonable and necessary.

(10) STOPPED / STATIONARY HIGH-RISK VEHICLE CONTACTS:

When reasonably possible, officers will use high-risk vehicle tactics after a pursuit or other high-risk vehicle stop or contact, and in such circumstances, are discouraged from immediately approaching a stopped/stationary vehicle. When circumstances permit, officers will use tactical control options to safely resolve the situation.

(11) RESPONSIBILITY TO PROVIDE MEDICAL ATTENTION:

- a. Officers are required to provide medical attention as soon as practicable per OMS 116.06.
- b. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from the person's mouth. See OMS 116.06 (3).
- c. Officers will not compel, direct, or unduly influence an emergency medical service (EMS) provider to administer a chemical restraint (e.g., ketamine) upon any individual. The decision to administer a chemical restraint rests entirely upon an emergency medical service provider and officers will not unduly influence an EMS provider's medical decision or diagnosis, except that an officer may

provide critical medical information or any other pertinent information about the individual or the scene that may assist the EMS provider's assessment.

- d. In-custody persons - general:
1. Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the arrestee's health and safety.
 2. Officers will advise responding medical personnel and personnel taking custody or having oversight of an arrestee/detainee, including at district stations, of:
 - Any observations that indicate the individual is possibly under the influence of alcohol, controlled substance(s), medical or emotional duress, suicidal, or displaying possible symptoms of excited delirium.
 - When the arrestee/detainee has been subjected to application of a less lethal weapon.
 3. Officers will advise personnel taking custody or having oversight of an arrestee/detainee, including at district stations, when medical personnel have evaluated the arrestee/detainee.
 4. Arrestees suffering from any illness, injury, or other condition that requires medical attention, including the ingestion of narcotics or other harmful substances, will be evaluated by medical personnel.
 - It is the policy of the Denver Sheriff Department to refuse custody of injured individuals, unless accompanied by reports indicating that they have been examined, treated, or have refused to submit to examination (or treatment) by medical personnel. Officers will notify detention personnel of the nature of force used when transferring custody of arrestees.
- e. Persons injured or claiming injury resulting from contact with a police officer:
1. The involved officer will visually examine the person displaying or claiming injury, request medical attention, and immediately notify a supervisor whenever:
 - Injury results from force used by department personnel; or
 - He/she is in contact with a person with obvious or alleged injuries who may claim they resulted from the contact with the officer; or
 - A person is subjected to a chemical agent, impact techniques, use of a CEW/TASER, PepperBall® system, or 40 mm launcher, or when restrained with a RIPP™ leg restraint.
 2. Medical treatment at the scene is deemed the most appropriate response, though safety concerns may necessitate moving the individual to another location before treatment can occur. Medical personnel will determine whether further treatment is required.
 3. Only medical personnel will be allowed to remove probes from individuals shot with a CEW/TASER.

(12) DEATH, INJURY WHERE DEATH IS LIKELY, OR SERIOUS BODILY INJURY FOLLOWING THE APPLICATION OF FORCE:

Should an individual die, or suffer injury where death is likely, after a use of force or while in-custody of Denver police officers, the Major Crimes Bureau, the Internal Affairs Bureau, and other department entities will be notified per policy, and the scene will be processed as an in-custody death investigation – see OMS 301.14 (8).

- a. When serious bodily injury occurs, the supervisor investigating the use of force will notify the Internal Affairs Bureau.
- b. The Crisis Services Bureau will be notified and offer assistance.
- c. The department will ensure that any identified relatives or next of kin of any individual who has

sustained serious bodily injury or death be notified as soon as practicable.

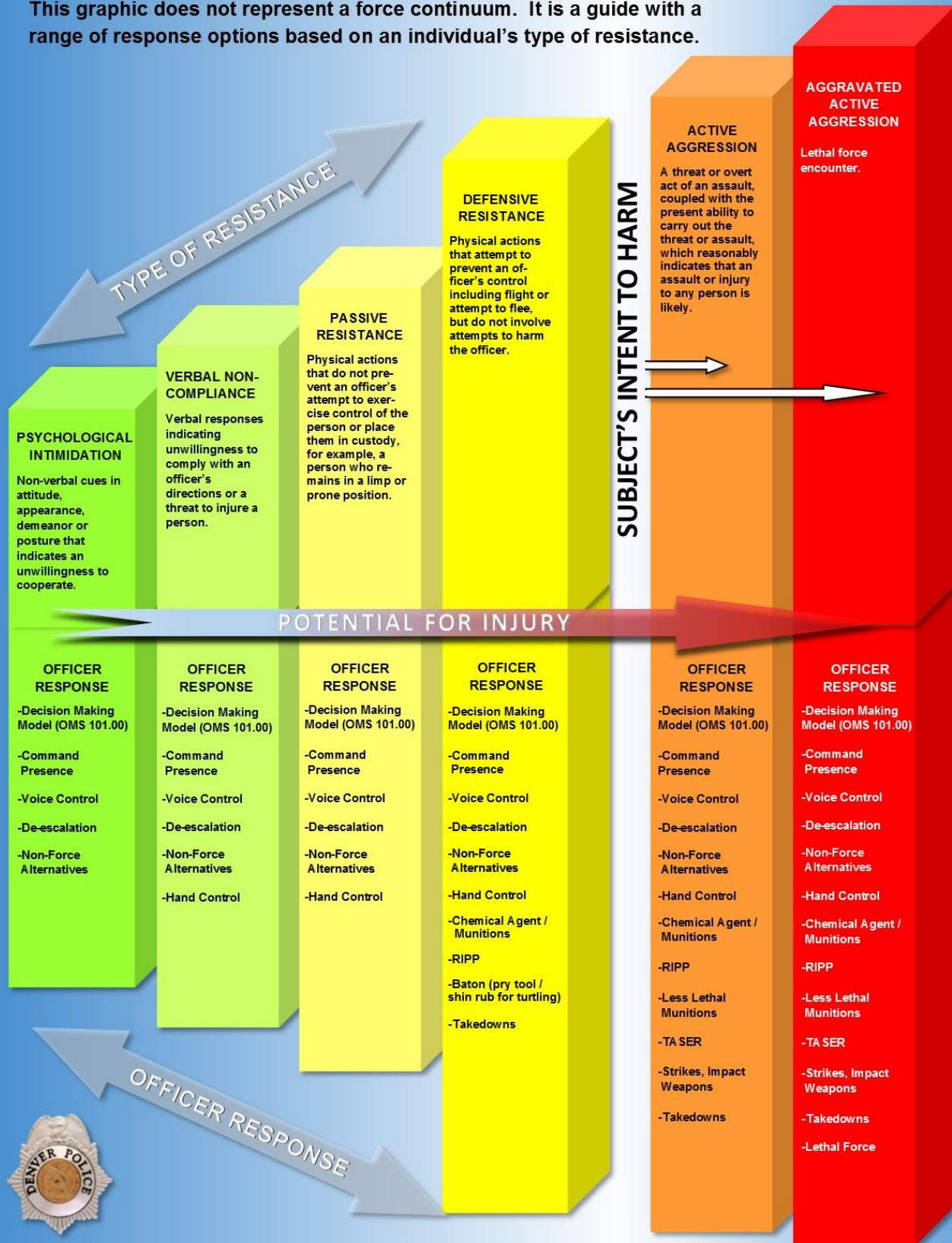
(13) USE OF FORCE REVIEW:

The Internal Affairs Bureau reviews all use of force reports with the exception of cases examined by the Use of Force Review Board.

- Depending on the type of force employed or injuries sustained, a use of force incident may be subject to review by the Use of Force Review Board, the Tactics Review Board, the District Attorney's Office, or other independent agencies as required by policy.

(14) RESISTANCE AND RESPONSE CHART – SEE NEXT PAGE.

This graphic does not represent a force continuum. It is a guide with a range of response options based on an individual's type of resistance.





105.02 FORCE AND CONTROL OPTIONS

(1) POLICY:

In accordance with department policy and training, the Denver Police Department authorizes force and control options, including less lethal weapons. The use of less lethal weapons can in some situations avoid the need for greater amounts of force - including lethal force - may reduce injury, and may assist officers in protecting the public, themselves, and other officers. The department's goal for the protection of both officers and the community is that officers use non-force alternatives, including de-escalation, before resorting to the use of force and control options, when time and circumstances permit. Officers may only use force and control options if non-force alternatives would be ineffective in effecting an arrest, preventing an imminent threat or serious bodily injury or death to the officer or another person. When applying force and control options, the initial application, and each subsequent application, must be individually reasonable and necessary under the totality of circumstances to safely accomplish a lawful purpose.

The DPD Arrest Control Techniques (ACT) Manual is the guiding document for the most current methods and techniques of applying force.

Force and control options designed and intended to be less lethal (in alphabetical order):

- 40 mm launcher
- Baton / Impact tools (strikes)
- CEW/TASER
- Chemical agents and munitions
- Hand Control
- Noise Flash Diversionary Device (NFDD)
- Baton (arrest control / pain compliance)
- PepperBall® system
- Personal body weapons (hands, knees, elbows, feet)
- RIPPTM leg restraint device
- Takedowns

(2) DEFINITIONS:

40 mm launcher: Single round or multi-launcher that fires department approved and issued 40 mm specialty impact munitions (including 40 mm OC).

Authorized user: An officer trained and authorized by the department to use, handle, carry, and deploy the item referenced.

Baton / Impact tools: Authorized baton used to deliver strikes as a means of self-defense or the protection of others.

CEW/TASER: Conducted electrical weapon which uses an electrical signal to temporarily override the motor and sensory nervous system.

Chemical agents and munitions: Aerosol (duty belt carried) and gas munitions (fogger, grenade, PepperBall® system) used as a means of preventing or overcoming resistance, assault, or dispersal.

Hand Control: Low-level control holds (arm control, arm bar, come-along, elbow control, goosenecks, and shoulder/twist/wrist locks), pressure-point control tactics, and other types of holds intended to physically

control the movement of an individual with minimal pain and/or injury, or when attempting to gain compliance with targeted pressure or joint manipulation.

Less lethal force: Force application which meets an operational or tactical objective that is not intended to and has a reduced likelihood of causing death or serious bodily injury.

Less lethal weapon: A weapon (PepperBall® system, 40 mm launcher, CEW/TASER) which when used as designed and intended has less potential for causing death or serious bodily injury than police lethal weapons.

Noise Flash Diversionary Device (NFDD): Also referred to as a flash sound diversionary device, diversionary device, or flashbang, intended to provide a brief distraction.

PepperBall® system: An air-powered launch device that deploys plastic sphere projectiles filled with powdered Oleoresin Capsicum (OC).

Personal body weapons: Anatomical weapons (hands, knees, elbows, feet, etc.) used to deliver kicks or strikes as a means of self-defense or in the protection of others.

RIPP™ leg restraint device: A device used to temporarily restrain and/or immobilize the legs and lower body of an individual.

Takedown: The act of physically directing an individual to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the individual.

(3) GENERAL GUIDELINES – FORCE AND CONTROL OPTIONS:

Officers will use less lethal force and control options in accordance with department training and policy.

a. Baton / Impact tools:

1. In response to Defensive Resistance, the baton / impact tool may be used only to apply come along, escort, or pain compliance techniques. A person who remains non-violent will not be intentionally struck with a baton / impact tool.
2. The minimum type of resistance for the application of a baton / impact tool or any other tool as an impact device is Active Aggression.
 - The head and neck will not be intentionally struck with a baton / impact tool unless the officer is using lethal force per OMS 105.01 (7).
 - Officers must be able to articulate how the use of any device or object as an impact weapon, other than those authorized, was reasonable and necessary and in compliance with the Use of Force policy.
 - Firearms are not an appropriate impact weapon because of the inherent danger of an accidental discharge.

b. Chemical Agents and Munitions:

1. The minimum type of resistance for application of a chemical agent or munition is Defensive Resistance. Deployment of any chemical agent or munition requires that the officer be an authorized user for that item. Chemical agents and munitions may provide an effective force option and may be used in the following situations:
 - To prevent injury to an officer or a third person.
 - To ward off an attack from a canine or any other animal.
 - To subdue an individual who is threatening or attempting suicide.
 - Against an individual resisting and/or interfering with an arrest.
 - To quell rioting/disperse unlawful crowds.
 - Any situation where the officer can clearly articulate the need for deployment.
 - NOTE: This does not include the 40 mm OC round – see section (4)

2. The use of a chemical agent or munition for crowd/riot control will be in accordance with the DPD Crowd Management Manual.
- d. Personal body weapons:
The minimum type of resistance for the application of personal body weapons is Active Aggression. Officers must articulate why hand control was or would have been ineffective and personal body weapons were used.
- e. Takedowns:
The minimum type of resistance for the application of a takedown is Defensive Resistance.
- f. Hand Control:
The minimum type of resistance for the application of hand control techniques is Verbal Non-Compliance.
- g. RIPP™ Leg Restraint Device:
 1. The RIPP™ leg restraint device is the only authorized system/method for immobilizing the legs and lower body of an individual. Only authorized users will carry and/or deploy this device. The RIPP™ leg restraint device is not to be attached to an arrestee's handcuffs and will be utilized and applied in accordance with the Arrest Control Manual.
 2. The RIPP™ leg restraint device will only be used in situations where handcuffed individuals continue to be combative and still pose a threat to themselves or officers, or could cause significant damage to property, if not properly restrained.
 3. After the RIPP™ leg restraint device is applied, officers will immediately roll the individual on his/her side and monitor them. If there are signs such as labored breathing and/or profuse sweating, officers should relax the tension of the leg restraint and/or consider removing the device. Once in a side-lying position, officers will not allow the individual to roll to a face down position.
- h. Noise Flash Diversionary Device (NFDD):
 1. Only certified members of the METRO/SWAT are authorized to deploy NFDDs.
 2. NFDDs will not be deployed in crowd-control situations.

(4) LESS LETHAL WEAPONS - DEPLOYMENT:

- a. Communication:
 1. When possible, officers and supervisors should strategize prior to deploying any less lethal weapon.
 2. When possible, officers should give clear and concise verbal commands to the individual prior to, during, and after the deployment of any less lethal weapon. Officers should afford the person a reasonable opportunity to comply prior to deploying any less lethal weapon and prior to any subsequent deployments.
 3. Officers deploying a less lethal weapon usually will not perform any other duty, such as searching or handcuffing, until their less lethal weapon is safely holstered or stowed.
- b. Restricted Areas:
Unless lethal force is reasonable and necessary, targeting the following areas with a less lethal weapon (point of aim) is prohibited:
 1. The head, eyes, throat, neck, breasts of a female, genitalia, pelvis, or spinal column.
NOTE: The entire back is prohibited when less lethal weapons are deployed in response to protests/riots.
 2. At an open wound (when the officer has prior knowledge of the open wound).
- c. General Prohibitions:

1. Playful or malicious display, or intentional misuse of any less lethal weapon. This includes firing or deploying any less lethal weapon indiscriminately into a crowd.
 2. To prevent an individual from swallowing evidence.
 3. Against any individual more susceptible to injury such as small children, disabled individuals, or the elderly, unless the officer can articulate the action(s) were reasonable and necessary under the totality of the circumstances.
 4. As a tool of punishment or unlawful coercion.
 5. Where its use will cause the individual to lose control of a motor vehicle unless officers can articulate compelling reasons.
 6. Against a pregnant female (when the officer has prior knowledge of the pregnancy).
 7. Against a handcuffed arrestee/detainee, unless the individual demonstrates an overt act of Aggravated Active Aggression and there was no reasonable alternative.
 8. To terminate a foot chase, unless the individual's actions rise to Active Aggression.
 9. Rubber-ball grenades are not authorized and will not be deployed.
- d. 40 mm launcher:
1. Acceptable uses of a 40 mm launcher include:
 - To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression or Aggravated Active Aggression. Its use may become necessary when other force options would be inappropriate or ineffective, and it is reasonable and necessary under the totality of the circumstances to avoid having to use lethal force; or
 - As less lethal intervention to prevent an officer or a third person from being seriously injured or killed; or
 - To incapacitate an individual who is threatening or attempting suicide.
 2. Preferred Point of Aim:

The 40 mm launcher should be aimed at areas of the body with large muscle mass and in avoidance of the restricted areas.
 3. Unless lethal force is reasonable and necessary, an officer will not intentionally deploy the 40 mm launcher from a range of less than five (5) feet.
- e. CEW/TASER:
1. Acceptable uses:
 - To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression; or
 - To incapacitate an individual who is threatening or attempting suicide.
 2. Preferred Point of Aim:
 - The CEW/TASER should be aimed lower center mass, just below the sternum, and in avoidance of the restricted areas.
 - Probe strikes to any restricted area will be specifically noted in the Use of Force Report (DPD 12) and deploying officers will detail circumstances in their written statement.
 3. Application:
 - Officers should utilize a support hand directional draw - not a cross-draw with the dominant hand – as the motor movements are distinctly different from those required to draw a firearm. When possible, officers should visually acknowledge that they

have selected the CEW/TASER and not a firearm. Once the officer has drawn the CEW/TASER, officers can shift the CEW/TASER to the dominant hand if desired. Shifting to the dominant hand may give the officer another opportunity to verify that they have selected the CEW/TASER prior to deployment.

- When it appears both reasonable and feasible under the circumstances, officers may, but are not required to, display a warning arc prior to the application of the CEW/TASER. The display of a visible/audible arcing of electricity between the front electrodes of the CEW/TASER to the intended individual in order to gain voluntary compliance to a lawful order and to prevent the need to use force. When displaying a warning arc, the officer should give clear and direct verbal instructions and the individual should be given a reasonable opportunity to comply. A warning arc must never be used maliciously or with the intent to psychologically torment the individual.
- When a CEW/TASER is used, officers will deploy the device for one energy cycle (the default length of an energy cycle is when the trigger is pressed and released) and officers will reassess the situation. When reassessing, subsequent and continual energy cycles may not be effective against an individual; officers may have to consider other force options.
- When reasonably possible, individuals should be taken into custody while experiencing neuromuscular incapacitation.
- The probe mode is the preferred method of deployment and typically has more effectiveness than drive-stuns. Officers should avoid deploying the CEW/TASER drive-stun method except:
 - When attempting 3 or 4-point contact to complete the circuit or to increase probe spread when attempting neuromuscular incapacitation.
 - When used as a distraction tactic (break-contact) to create reactionary distance.
 - When applied briefly to obtain pain compliance.
- More than one drive-stun will not be applied, even if compliance is not achieved.
- Officers should not apply drive-stuns if pain compliance is unlikely due to a perceived mind-body disconnect (e.g., psychotic episode) or an apparent increased pain tolerance level (e.g., drug/alcohol usage).
- Only the minimum number of energy cycles necessary to place the individual into custody will be used.

4. The CEW/TASER will not be used:

- In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present.
- In any environment where an officer knows or should have known that the neuromuscular incapacitation could cause an injury more significant than intended.

f. PepperBall® system:

1. Acceptable uses of the PepperBall® system may include:

- Direct impact to incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression, Aggravated Active Aggression; or
- Direct impact to incapacitate an individual who is threatening or attempting suicide; or
- When deployed towards the ground, or an area of space near an individual or a crowd of people requires Defensive Resistance.
- When its use is likely to prevent an officer or a third person from being injured by an individual; or

- When ordered by a field force commander or other command officer in crowd control or riot situations – see DPD Crowd Management Manual.

2. Preferred Point of Aim:

The PepperBall® system should be aimed lower center mass, just below the sternum, and in avoidance of the restricted areas.

(5) LESS LETHAL WEAPONS – AUTHORIZATION AND STORAGE:

a. Authorization – PepperBall® system and 40 mm launcher:

Only authorized users will display, carry, or deploy a PepperBall® system or 40 mm launcher. Selection of officers will be based on the following criteria:

1. Officers must be selected by their commanding officer and approved by their division chief to carry and use a PepperBall® system or 40 mm launcher.
2. Officers must successfully complete designated instruction and periodic qualification conducted by authorized less lethal instructors. The Training Section maintains the training curriculum and list of authorized users. Authorized users can also be identified within TeleStaff.
3. Violations of this policy may result in officers being removed as an authorized user and possible disciplinary action.

b. Authorization – CEW/TASER:

1. Officers must successfully complete a department approved training program in order to be an authorized user of the CEW/TASER. Officers must successfully complete an annual refresher training module to maintain certification and authorization.
2. Designated officers will be issued a CEW/TASER and will retain possession of the device for the duration of their bureau/district assignment.
 - When issued a CEW/TASER, on-duty uniformed officers and officers working uniformed secondary employment are required to carry it on their person, in an approved holster on the side opposite of their firearm (support side).
 - When drawn, the CEW/TASER will be placed back into the approved holster, on the side opposite the firearm (support side), and not temporarily placed in a pocket or any other location where it is not secured. The use of an approved drop leg platform or molle mount is authorized.
3. At designated operational assignments, CEW/TASERs will be issued to authorized users by an armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor. When issued a CEW/TASER, uniformed officers are required to carry it on their person, in an approved holster.
4. Prior to going in service, officers should conduct a functional spark test of their CEW/TASER to ensure it is firing properly. If the device does not fire properly, officers will notify their supervisor and the item will be removed from field service.
5. Officers will periodically inspect the expiration date of their CEW/TASER cartridges. Equipment at expiration or past five (5) years of life will be removed from field service and returned to the Less Lethal Coordinator.

c. Storage and Handling:

1. Except for CEW/TASERS, all departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of less lethal weapons.
2. Chemical agent munitions (except for MK-4 personal OC), PepperBall® systems, and 40 mm launchers must be inventoried and signed out from the district or unit armory by a

corporal, sergeant, or above, or from a Special Operations Bureau representative in the field, to an authorized user/operator.

3. At the conclusion of a shift or event, all chemical agent munitions, PepperBall® systems, and 40 mm launchers will be returned to the district or unit armory to a corporal, sergeant, or above or the Special Operations Bureau representative, for inventory and accountability. A CAD/GO report number must be recorded and required reports must be completed for any used or missing munitions – See OMS 105.03 or OMS 504.03(3) a. and b.
 4. A CAD/GO number for all used or missing munitions (PepperBall® and 40MM) will be provided to the Less Lethal Coordinator's office for replenishment or replacement.
 5. When not being carried on an officer's person, the CEW/TASER will be stored in a secure manner. Officers are not authorized to carry the CEW/TASER in their non-police capacity.
 6. The inventory of less lethal weapons will be completed per OMS 504.04.
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105.03 REPORTING

(1) REQUIRED NOTIFICATION:

Officers will immediately report the following incidents to a supervisor or command officer:

a. Incidents involving a use of force:

These items are reported on a Use of Force Report in BlueTeam (DPD 12)

1. An officer discharged a firearm other than in-training or for bona-fide recreational purpose.
2. An officer applies force through use of the following, regardless of whether an arrest is made, the individual dies, is injured, or complains of an injury:
 - 40 mm launcher
 - Any tool, object, or device used as an impact weapon
 - By any means reasonably likely to result in death under the totality of circumstances, regardless of whether the force, does in fact result in death.
 - Chemical agents and munitions
 - CEW/TASER
 - PepperBall® system
 - Patrol dog
 - Personal body weapons (hands, knees, elbows, feet)
 - Takedowns
 - Any vehicle pursuit that is terminated by forced-stop methods - See OMS 204.01.
3. An officer has an accidental discharge of a PepperBall® system, chemical agent or munition, 40 mm launcher, or CEW/TASER, other than in training, regardless if the discharge was in view of the public or if members of the public were affected.

b. Incidents NOT involving a use of force, but injury/death may have occurred:

These items are reported on an Injured Subject Report in BlueTeam (DPD 12i)

1. An individual claims injury, suffers an injury prior to arrest, or there is an injury/death while in custody and no force was used at any time during police contact.
2. A person is injured prior to arrest or contact, and circumstances indicate he/she is claiming or may claim the injury resulted from contact with an officer.
3. A person suffers a life-threatening injury or dies while in custody. See OMS 301.13 and OMS 301.14 (8).
4. An individual demonstrating symptoms of excited delirium was taken into custody and no force was used.

c. Incidents NOT involving a use of force or injury while in custody/injury prior to arrest, but a firearm (no discharge) or physical hand control technique was used:

These items are reported on a Show of Force Report in BlueTeam (DPD 12f)

1. Anytime an officer un-holsters their firearm or CEW/TASER, or intentionally points any firearm or CEW/TASER at a person and no other force-related incident occurs.
2. An officer uses any type of physical hand control technique, as defined in

OMS 105.02 (2).

3. The RIPP™ leg restraint was applied and no force was used.

d. Any incident involving an actual or perceived use of inappropriate force:

In addition to the use of force reporting requirements stated in section (1) a., any officer intervening in and/or witnessing inappropriate force will document the incident on an Intervention and Report of Inappropriate Force (DPD 12v). This form is available on the DPD template drive and will be forwarded via email to the Internal Affairs Bureau by the intervening or witness officer. Once received, the Internal Affairs Bureau will upload the submitted form to the related use of force incident in BlueTeam.

e. Use of force reporting during large-scale events:

Use of force incidences that occur during large-scale events will be reported by each team utilizing force. Reports will be completed as detailed below in (2) Officer Responsibilities and will be submitted by the end of the shift on which the incident(s) occurred.

(2) OFFICER RESPONSIBILITIES:

The primary involved officer will prepare a Use of Force Report (DPD 12) in BlueTeam carefully articulating the facts of the incident. The report will be completed by the end of the shift on which the incident occurred. The report will include:

- a. An accurate description of the incident using the coded tables and text boxes will, to the extent reasonably possible, include:
 1. A detailed description of the person
 2. The severity of the crime at issue
 3. The presence and location of witnesses at the scene
 4. A specific description of the acts that led to the Use of Force
 5. The level of resistance encountered
 6. The threat the person posed
 7. The force options available
 8. Any de-escalation techniques employed
 9. A description of every type of Use of Force
 10. The existence of any body-worn camera or other data that exists; and
- b. Names of all involved officers, subjects, and witnesses. Additional forms will be used as continuation pages; and
- c. Documentation of medical examinations by paramedics or other responding medical personnel. This documentation will also be included on the Unified Summons and Complaint (US&C) or arrest reports, if any.
- d. All involved officers will complete a detailed statement describing their actions and observations by the end of their shift.
- e. Officer will route the Use of Force Report in BlueTeam to the investigating supervisor.

(3) SUPERVISORY INVESTIGATION:

a. Generally:

The supervisor or command officer will ensure that all sections of the operations manual and applicable Colorado Revised Statutes have been followed. The officer's supervisor or in his/her absence, another supervisor will respond to the scene and personally contact the officer immediately after the incident. The supervisor will conduct an independent and thorough investigation. The supervisor will ensure an initial Use of Force entry was made into BlueTeam by the end of their shift on which the incident occurred.

1. The supervisor will interview witnesses and suspects, collect evidence, take photographs when appropriate, and when the situation involves a use of force, prepare the Supervisor's Use of Force Cover Sheet (DPD 770), carefully articulating the facts of the incident.
2. Make every reasonable effort to identify and preserve video and/or still photos that may contain evidence relevant to the investigation, and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence - See OMS 104.58 Search and Seizure of Electronic Recording Devices.
3. If BWC footage is available, see OMS 119.04.
4. When investigating a use of force incident involving deployment of the CEW/TASER, the supervisor must recover and place into the Evidence and Property Section the CEW/TASER probes and expended cartridge(s). Data from the CEW/TASER will be downloaded into a computer file and results will be documented as part of the use of force investigation.
5. Supervisors and command officers will not investigate use of force incidents in which they are personally involved. It is preferable though not mandatory that the incident be investigated by their commanding officer, or an officer of higher rank.
 - Personally involved means participation in the use of force, hands on and/or actively directing force while it was being used.
6. If at any point during a use of force investigation a supervisor has evidence of a law violation or inappropriate force, or has been notified that officer(s) had to intervene into what was perceived as inappropriate force, or it is a potential high-profile incident, he/she will at the earliest reasonable time contact the Internal Affairs Bureau for direction.
7. In all cases where serious bodily injury occurs the investigating supervisor will ensure notification of the Internal Affairs Bureau. The Internal Affairs Bureau will assess and determine if their immediate response is necessary.
8. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 401.02 (10).
9. With authorization of the Chief of Police (or designee), the multiple use of chemical munitions in response to Defensive Resistance during large-scale events may be documented with a single use of force report.
10. If the involved employee is a member of the Denver Sheriff Department (DSD), a sheriff supervisor will be requested via Denver 911 to respond to the scene and complete required DSD reports. Denver police officers will assist with witnesses and/or statements as requested; however, the reporting requirements will be the responsibility of DSD personnel, and they will follow their policies and procedures. Lethal force incidents and deputy involved shootings will be investigated by the DPD Major Crimes Bureau and the Internal Affairs Bureau will be notified.
11. Officers off-duty / officers working Secondary Employment:
 - a. Off-duty officers who become involved in any use of force or injury while in custody/injury prior to arrest situation must report the circumstances to an on-duty command or supervisory officer within the district of occurrence as soon as the situation is stabilized. If it occurred outside the City and County of Denver, off-duty officers will report the use of force to the appropriate local law enforcement agency and notify their chain of command.
 - b. Off-duty officers who are working police secondary employment and become involved in any use of force or injury while in custody/injury prior to arrest

- situation must report the circumstances via police radio to an on-duty command or supervisory officer within the district of occurrence, or when applicable to a major event supervisor as soon as the situation is stabilized.
- c. An exception to reporting to an on-duty supervisor or command officer within the district of occurrence may be granted by the Chief of Police (or designee) for major events involving off-duty officers working secondary employment – police work. If an exception is granted, a supervisor or command officer working the event may fulfill the reporting requirements.
 - d. Supervisors or command officers who investigate any incident involving an officer engaged in secondary employment must verify in TeleStaff that the officer was approved for secondary employment and document the results in the Supervisor's Use of Force Cover Sheet (DPD 770).
 - e. Nothing in this section will be construed to relieve any officer working police secondary employment of the duty to intervene in and report inappropriate force, per OMS 105.01 (4) c.3., OMS 105.03 (1) d.
 - f. Off-duty officers must report any incident involving the unholstering/pointing of a firearm or CEW/TASER, the use of physical hand control techniques, or the application of the RIPP™ leg restraint per the requirements of section (1) c. above.
- b. Required documentation (all submitted/uploaded through BlueTeam):
1. Use of Force Report (DPD 12) – *completed by the primary involved officer, OR Injured Subject Report (DPD 12i) – completed by the supervisor, OR Show of Force Report (12f) - completed by the primary involved officer*
 2. Names and statements from all witnesses.
 3. Statements from all involved officers.
 4. Copy of the CAD report.
 5. Supervisor's Use of Force Cover Sheet (DPD 770) – *required only when reporting a use of force on a Use of Force Report (DPD 12).*
 6. All other related incident documentation (SBI, tow slips, GO reports, etc.) will be uploaded into BlueTeam.
- c. Supervisor's Use of Force Cover Sheet (DPD 770):
- The investigating supervisor will complete this report within 72 hours of the incident, including:
1. Synopsis
 - Provide a brief and general description of the incident.
 - Describe the specific actions of each officer listed on the Use of Force report.
 - The brief synopsis should be no longer than one paragraph.
 2. Introduction

Explain the reasons for the contact to include the type of call or action (reasonable suspicion, probable cause, etc.).
 3. Investigation
 - Describe the supervisor's investigative actions to include contact with officers, witnesses, and suspect.
 - Describe the disposition of the suspect.
 - Review all statements for completeness.
 - Describe any evidence collected or observed.

- Document activation of BWC and that it was reviewed. If it wasn't activated or reviewed, explain why.
- Ensure a neighborhood survey was conducted.
- Document any allegations of inappropriate force.

4. Summary

- Detail accusations and /or inconsistencies within statements and other evidence and provide supporting facts.
- Articulate if injuries were consistent with the type, manner, and amount of force used.
- The supervisor's summary will not include any opinion or determination as to whether the action(s) of the officer(s) were reasonable or necessary, within or outside the scope of policy, or a potential law violation.

5. Recommendations

Supervisors are responsible for assessing use of force incidents and making a recommendation when they believe an additional investigation is necessary. Upon making this determination, supervisors will check the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

- Potential law violations or inappropriate force:

If during the supervisor's investigation a potential law violation or inappropriate force is revealed, or an officer indicates they intervened in inappropriate force, he/she will immediately contact the Internal Affairs Bureau for direction. If IAB does not initiate an immediate investigation the supervisor will recommend further investigation by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770) and ensure that the reporting officer completes the reporting requirements of section (1) d.

- Other potential policy violations:

If the supervisor's completed investigation reveals potential policy violations, he/she may contact the Internal Affairs Bureau for direction. In such cases supervisors will also recommend that the incident be further investigated by the Internal Affairs Bureau by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

- Incomplete Information:

If following his/her completed investigation the investigating supervisor has other concerns, including but not limited to incomplete information or evidence, he/she may contact the Internal Affairs Bureau for direction. Supervisors may also recommend that the incident be further investigated by the Internal Affairs Bureau by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

d. Counseling:

When indicated and appropriate, supervisors will counsel officers in methods to better handle future situations to avoid or minimize the use of force.

(4) REPORTING WHEN AN IN-CUSTODY DEATH OCCURS:

When an in-custody death occurs (regardless of whether force was used), the narrative will indicate that "Officer(s) came in contact with the subject who later died - See homicide report."

(5) ASSAULT ON A PEACE OFFICER:

In any case of an assault on a peace officer, reporting officers will create a General Occurrence (GO) report titled "Investigation of Assault". When creating the GO report, the suspect should not be

charged with resistance or any additional charges. For more information, see OMS 310.00.

- NOTE: When direct filing (DRMC 38-93 Assault) on a Unified Summons and Complaint (US&C), all additional charges (e.g., resistance, etc.) will be included.

(6) REPORT DISTRIBUTION:

The Internal Affairs Bureau, utilizing the functionality of BlueTeam, will ensure that all use of force reports and any other type of reporting obtained in this section will be routed to the officer's chain of command.

(7) USE OF FORCE REPORTING CHART – SEE NEXT PAGE.



105.04 SHOOTING BY AND/OR OF POLICE OFFICERS

(1) POLICY:

When any law enforcement officer (regardless of agency or department) discharges a firearm in the City and County of Denver at a person (regardless of whether death or injury occurs) there will be an immediate emergency and investigative response. These procedures also apply when investigating the death or serious injury of a law enforcement officer.

(2) DENVER 911 NOTIFICATION:

Denver police officers involved in or becoming aware of any police shooting will immediately notify the police dispatcher via police radio. Officers will ensure that any critical information affecting the safety of responding officers and the public is communicated via police radio so that all affected personnel may monitor and react accordingly.

- Denver 911 records all radio and telephone conversations and provides them upon request for use in an investigation.
- It is the responsibility of the Denver 911 Center to notify the appropriate resources, bureaus/districts, and personnel in accordance with their protocols.

(3) PROCEDURES WHEN HANDLING PERSON / OFFICER WOUNDED BY GUNFIRE:

- a. Once it is safe to approach the suspect, officers will handcuff, search the individual thoroughly and take control of any weapon(s) within their immediate vicinity. When the suspect poses no further risk to officers or bystanders, officers will remove the handcuffs and when appropriate, they should render first aid to their level of training without any unreasonable delay.
- b. If safety allows, weapons should be maintained where they are found and handled as little as possible. Gloves (latex or suitable substitute with the same qualities) will be used to handle the weapon(s) to protect any evidentiary value. If there is a need to render the weapon safe, all rounds must be accounted for and collected as evidence. Officers will ensure the chain of custody and security of the weapon is established and maintained.
- c. If any possibility of life exists, ensure transport of the individual/officer to a hospital without delay.
- d. One officer should accompany the victim (dead or alive) to the hospital and should note any statements made, take possession of clothing or other evidence, and protect personal property.
- e. The Denver Sheriff Department will be notified when placing a hold order on any individual.
- f. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS 505.10 (5).

(4) RESPONSIBILITIES OF RANKING OFFICER AT THE SCENE OF A POLICE SHOOTING INCLUDE, BUT ARE NOT LIMITED TO:

- a. Protect the crime scene per OMS 301.01.
 - b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
 - c. Ensure that officers identify, separate, and obtain written statements from all civilian witnesses. The investigative team will review all statements and determine the need for additional detail or recording of the statement. The investigative team will obtain statements from all officer witnesses.
 - d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm except to render it safe and holster his/her
-

handgun or safely stow a long weapon.

1. Empty magazines, spent shell casings, etc., will remain where deposited. The Crime Scene Unit will document and collect these items during crime scene processing.
 2. The involved officer will maintain custody of his/her firearm until relinquished to Forensics and Evidence Bureau personnel, who will arrange to loan the officer a replacement firearm. An investigating officer from the Homicide Unit will document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer will release the officer's firearm.
- e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain with him/her until relieved. Officers and supervisors will not review the officer's BWC video.
- Only individuals assigned to the multi-agency investigative team, the officer's commander and division chief, the Deputy Chief of Police, the Chief of Police, the officer's attorney, and the Denver District Attorney or a deputy district attorney may have access to the officer while sequestered. The Commander of the Major Crimes Bureau, the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police must approve all other access.
- f. Provide the dispatcher and responding investigative team with all available information.
- g. Assist and follow the directions of the senior member of the Major Crimes Bureau in compliance with OMS Duties and Responsibilities 9.04.
- h. Assign an officer to complete a General Occurrence report (GO).
1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be "SHOOTING BY A PEACE OFFICER."
 2. When a suspect shoots and wounds an officer, the title will be "ASSAULT ON A PEACE OFFICER."
 3. When the shooting results in the death of any person/officer, the title is "HOMICIDE."
 4. When an officer discharges a firearm causing injury or death, any individual struck by gunfire is reported as the victim and the involved officer as the person reporting.
 5. Officers will leave the suspect section blank and keep the narrative section brief.
- i. In consultation with the command officer in charge of the investigation, complete an After Action Report (DPD 286), routing copies as appropriate including the Homicide Unit and elsewhere as required. Attach a copy of that day's personnel detail(s) for all districts and other units whose personnel covered the scene.
- j. Ensure completion of a Use of Force Report (DPD 12) in accordance with OMS 105.03:
1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, "See After Action report."
 2. Attach a copy of the After Action report to the Use of Force report. Forward the original Use of Force report to the Internal Affairs Bureau, with one copy to the affected bureau/district commanders and division chiefs, and one copy to the Deputy Chief of Police.
- k. Ensure that ALL employees who respond to the scene, or assist in any way, submit individual statements detailing their duties and observations to the investigative team prior to going off duty.

(5) MULTI-AGENCY JOINT INVESTIGATION:

The investigation, evaluation, and review of an in-custody death or shooting by or of a peace officer, is a joint endeavor between the Denver Police Department, the Colorado Department of Public Safety, and the Denver District Attorney's Office (multi-agency investigative team). In addition, if an officer intentionally fires his/her weapon, regardless of whether a person is struck, the multi-agency investigative team will investigate and review the incident. The Commander of the Major Crimes Bureau (or designee) is in

command of the investigation into incidents occurring within the City and County of Denver. The Major Crimes Bureau, as part of a multi-agency investigative team, will assist the Colorado Department of Public Safety with investigations of officer-involved shootings occurring within their jurisdiction.

All appropriate investigative methods, techniques, protocols, and reporting, including but not limited to the following, will be employed:

- a. Completely process and document the crime scene using diagrams, photographs, and video recordings in accordance with crime scene protocols outlined in OMS 301.01.
- b. Investigating officers will document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the Denver District Attorney's Office.
- c. The officer(s) involved in the shooting may have an attorney present for legal assistance. Investigating officers will advise the involved officer in accordance with the Officer Advisement in Police Shootings form (DPD 759).
 - The Miranda Warning, Internal Affairs Bureau Garrity Advisement, or ordered statements under City Charter 42-30, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- d. The Division Chief of Administration (or designee) will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriff Department, and the Denver Fire Department's certified arson investigators.
 - The Internal Affairs Bureau will participate in the investigation only at the request of the Commander of the Major Crimes Bureau (or designee), the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police. This participation only involves cases where there is information or evidence of a crime or serious rule violation.
- e. All media inquiries will be managed by the communications director in consultation with the Commander of the Major Crimes Bureau (or designee).
- f. The decision to file criminal charges for police shooting cases is solely the responsibility of the district attorney's office having jurisdiction.
 - The Denver District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case.
- g. The Executive Director of Safety is responsible for the final administrative review of police shooting incidents.

(6) CONSIDERATIONS FOR AN INVOLVED OFFICER FOLLOWING INVESTIGATION OF A POLICE SHOOTING/CRITICAL INCIDENT:

- a. When death occurs, the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. When death results from any officer involved use of force, an in-custody death, or death which occurred as a direct result of police action, and the Major Crimes Bureau investigates the occurrence as a critical incident, the following will occur:
 1. The Commander of the Major Crimes Bureau will contact Police Psychological Services and provide the name and phone number of involved officers. Police Psychological Services will contact the officer(s) and schedule an appointment.
 - Absolute confidentiality exists, and the officer(s) has the option of not discussing anything he/she does not wish to with Psychological Services.
- c. The bureau /district commander (or designee) of personnel involved in a shooting incident will notify the officers of the above provisions. If after two days, Psychological Services has not been able to contact the officer, Psychological Services will notify the Commander of the Major Crimes Bureau

who will provide for such arrangements. No other exchange of information will occur before the appointment without the express written consent of the officer.



105.05 USE OF FORCE REVIEW BOARD

(1) USE OF FORCE BOARD PROCEDURES:

The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious bodily injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.01(8) a. 2-4 and any in-custody death or any incident as directed by the Chief of Police. The Board is investigative in nature and is responsible for making recommendations on administrative matters, internal affairs investigations, department policy modifications, training, and commendations as they relate to use of force incidents.

a. Case Review:

1. The review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision letter from the involved district attorney's office clearing the officer(s) and/or stating that the criminal process has concluded.
2. The review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed.
3. The Division Chief of Administration (or designee) is responsible for notifying the Use of Force Board that a case is ready for review.

b. Case Presentation:

1. Use of Force Board meetings are held in closed sessions, with attendance limited to persons designated by the Chief of Police, or the Commander of the Conduct Review Board.
2. Case facts will be presented to the Board by an officer designated by the Division Chief of Administration (or designee). If a case involves a death, a Homicide Unit supervisor may make the presentation.
3. During presentation of the case, the involved officer(s) may have an observer present who was not involved in the incident under review, including witness testimony, but not during any Use of Force Board deliberations. The observer will not participate in any Use of Force Board proceedings.

c. Case Referral:

The Board is empowered to classify a case as in or out of policy, and:

- May refer a case to the involved officer's commander for consideration of a commendation.
- May refer a case to the Tactics Review Board.

(2) USE OF FORCE BOARD AUTHORITY:

The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharges and use of force incidents, including, but not limited to the actions listed below.

a. The Use of Force Board:

1. Will have access to all reports, photographs, video tapes, statements, and other documents relating to the incident.
 2. Is empowered to call any officer witnesses needed to provide further clarification.
 3. May invite any civilian witnesses needed to provide further clarification.
 4. May direct that an additional investigation be conducted of the incident under review.
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5. Must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations, although the officer is not required to attend the hearing. If the involved officer(s) decides not to attend the hearing, the hearing will be held in his/her absence.

(3) USE OF FORCE BOARD RESPONSIBILITIES:

Following a full review of a use of force incident, the Use of Force Board Chair will ensure the following actions are taken on behalf of the Board:

- a. Cases Requiring Further Investigation: The Use of Force Board will document areas of where additional information is requested and forward its request to the Division Chief of Administration. The Internal Affairs Division is responsible for gathering the requested information and once the information is obtained, the case will be resubmitted to the Use of Force Review Board.
- b. No Policy Violation: If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this finding in writing. Copies of this notification will be provided to the involved officer and his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file to be maintained per the records retention schedule.
- c. Policy Violation: If the Use of Force Board concludes that any departmental policy, procedure, rule, or regulation appears to have been violated, the Chief of Police will be notified of this finding in writing. The incident will then be referred to IAD which will then conduct any additional investigation determined to be necessary and forward the same to the Conduct Review Division in accordance with department policy. As in all other disciplinary matters, final authority and responsibility for disciplinary action rests with the Chief of Police and/or the Executive Director of Safety.
- d. Tactics Review: If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training or policy changes will be forwarded to the IAD/Conduct Review and/or the Chief of Police.
- e. Policy or Training Modification: The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.
- f. Commendation Recommendation: The Use of Force Board may recommend that the involved officer(s) be considered for a commendation. If supported, the involved officers' commander (or designee) will be responsible for submitting a formal request to the Commendations Board per OMS 503.03.

(4) USE OF FORCE BOARD RECORDS AND MEETINGS:

All meetings and records of the Use of Force Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.

- a. Confidentiality extends to the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending a Use of Force Board meeting.
- b. After the Use of Force Board has made its findings and recommendation, all persons who participated in the Use of Force review will immediately return all records they received regarding the incident. The Internal Affairs Division will collect and retain all records of the Use of Force Review Board.
- c. In accordance with OMS 105.05 (1) a., within a reasonable time after the final report of an applicable use of force, an IAD staff member designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair, will determine the date and time of the meeting and will notify Board members.

(5) BOARD MEMBERSHIP:

- a. The commanding officer of the Conduct Review Division is the non-voting Use of Force Board

Chair. Their responsibility to the Board includes:

1. Casting the deciding vote in the event of a tie.
 2. Gathering any reports as needed. This may be delegated to an IAD staff member.
 3. Processing decisions and recommendations of the Use of Force Board.
 4. Selecting a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the Board.
- b. The voting membership of the Use of Force Review Board will be comprised of the following:
1. Commander of the Major Crimes Division.
 2. One (1) DPD commander – designated on a rotational basis.
 3. Two (2) community members selected and trained by the department.
 4. One (1) member from another Colorado law enforcement agency (per CRS 16-2.5-301(1)). The Chief of Police (or designee) will select the partnering agency.
- c. Use of Force Board findings will be by majority rule.
- d. Community Board Members
1. These individuals must have received training as designated by the Chief of Police, which at a minimum will include instruction in:
 - The Denver Police Department Use of Force Policy - OMS 105.01 and 105.02.
 - Hands-on training on all forms of the department's less-lethal alternatives
 - Overview of the Crisis Intervention Team (CIT) program
 - Overview of firearms training and policy
 2. These individuals will be rotated through the pool of qualified candidates and the Commander of the Conduct Review Division will make the assignments at the discretion of the Chief of Police.
- e. Advisory Witnesses:
The Use of Force Board Chair may call upon advisory witnesses as necessary. These may include an assistant city attorney, the supervisor of the Firearms Unit, the department Less Lethal Coordinator, or the commanding officer of the Training Division.
- f. Additional Attendees:
1. The involved officer's division, district or section commander, and division chief may be present for the hearing but may not cast a vote.
 2. Other persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.

(6) APPOINTMENT OF TEMPORARY MEMBERS:

Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case or be unavailable to attend a meeting for any reason, the member will be excused, and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Review Division.



107.01 SEARCH WARRANTS

(1) CONSTITUTIONAL LAW:

Amendment IV of the Bill of Rights in the Constitution of the United States is as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(2) CONSTITUTIONAL REQUIREMENTS:

The Constitution prescribes the following requirements for any search and seizure pursuant to a search warrant:

- a. The premises to be searched;
- b. Particularly described; and
- c. That the affiant swears or affirms that they have probable cause to believe the specific property is on the premises and give the reasons for this belief.

(3) DEFINITION:

Search Warrant: A search warrant is an order in writing; in the name of the state, signed by an authorized judicial officer, directing a peace officer to search for, and seize, the property listed on the premises named. NOTE: See OMS 107.05 for immediate entry search warrants.

- All search warrants and affidavits for search warrants must be read and approved by the affiant's supervisor prior to presentation to a prosecutor or judge. The reviewing supervisor will print their name, badge number, and date/sign their name at the end of the affidavit to indicate their review. (See OMS 107.01(9) a. for emergency situations.)

(4) ISSUANCE AND GROUNDS - CRS §16-3-301:

- a. A search warrant authorized by this section may be issued by any judge of a court of record.
- b. A search warrant may be issued under this section to search for and seize any property, which:
 - Is stolen or embezzled; or
 - Is designed or intended for use as a means of committing a criminal offense; or
 - Is or has been used as a means of committing a criminal offense; or
 - The possession of which is illegal; or
 - Would be material evidence in a subsequent criminal prosecution in this state or in another state; or
 - The seizure of which is expressly required, authorized, or permitted by any statute of this state; or
 - Is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order, or to public health; or
 - Would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

- c. A search warrant may be issued under this section to search for any person for whom a lawful arrest warrant is outstanding.

(5) APPLICATION:

When officers make application to any court (e.g., search warrants, arrest warrants, Rule 41.1, and associated documents such as search warrant envelopes, sealed search warrant envelopes, return and inventory, etc.), officers will place the General Occurrence (GO) report number on those documents.

- a. If an existing location for the GO number does not exist on the document, officers will hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.
- b. A search warrant will be issued only on an affidavit sworn to or affirmed before a judge and relating facts sufficient to:
 - 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 - 3. Establish the grounds for issuance of the warrant, or probable cause to believe that such grounds exist; and
 - 4. Establish probable cause to believe that the property to be searched for, seized, or inspected is located at, in, or upon the premises, person, place, or thing to be searched.
- c. The affidavit required by this section may include sworn testimony reduced to writing and signed under oath by the witness. A copy of the affidavit, and a copy of the transcript of testimony taken in support of the request for a search warrant, will be attached to the search warrant filed with the court.
- d. Procedures governing application for and issuance of search warrants consistent with this section may be established by rule of the Supreme Court (CRS §16-3-303).

(6) CONTENTS:

- a. If a judge is satisfied that ground for the application exists, or that there is probable cause to believe that such grounds exist, he/she will issue a search warrant, which will:
 - 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 - 3. State the grounds or probable cause for its issuance; and
 - 4. State the names of the persons whose affidavits or testimony have been taken in support thereof.
- b. A search warrant may also contain such other and further orders as a judge deems necessary to comply with the provisions of a statute, charter, or ordinance, or to provide for the custody or delivery to the proper officer of any property seized under the warrant, or otherwise to accomplish the purposes of the warrant.
- c. Unless the court otherwise directs, every search warrant authorizes the officer:
 - 1. To execute and serve the warrant at any time; and
 - 2. To use and employ such force as is reasonably necessary in the performance of the duties commanded by the warrant (CRS §16-3-304).

(7) DIRECTION (EXECUTION AND RETURN):

- a. CRS §16-3-305:

- (1) Except as otherwise provided in this section, a search warrant will be directed to any officer authorized by law to execute it in the county wherein the property is located.*
- (2) A search warrant issued by a judge of a municipal court will be directed to any officer authorized by law to execute it in the municipality wherein the property is located.*
- (3) Any judge issuing a search warrant, on the grounds stated in CRS §16-3-301, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in the warrant to execute the same, and the person named in such order may execute the warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, will aid and assist in the execution of such warrant. The order authorized by this subsection (3) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located.*
- (4) When any officer, having a warrant for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported is in pursuit thereof and the person, motor vehicle, aircraft, or other object crosses or enters into another county, such officer is authorized to execute the warrant in the other county.*
- (5) It is the duty of all peace officers into whose hands any search warrant comes to execute the same, in their respective counties or municipalities, and make due return thereof. Procedures consistent with this section for the execution and return of search warrants may be provided by rule of the Supreme Court.*
- (6) A search warrant will be executed within fourteen days after its date.*

NOTE: See OMS 107.05 for immediate entry search warrants.

- b. The senior officer present when a search warrant is executed on any city property (or at property involving any city official or city employee) will immediately notify his/her supervisor, who will immediately notify the commander of the involved division.
 - c. Officers executing a search warrant outside the City and County of Denver will contact the law enforcement agency of the county or municipality where the search warrant execution will occur, and prior to the execution of the search warrant, officers will request their presence at the location of execution. Officers will obtain authorization from a DPD command officer in the following scenarios:
 1. When the notification is impractical, or when no officer from the law enforcement agency of that county or municipality is available to respond.
 2. When notifying the law enforcement agency of the county or municipality where the search warrant is to be executed impacts the integrity of the investigation.
 3. Exceptions to this policy include (above):
 - CRS §16-3-305 (3)
 - CRS §16-3-305 (4)
- (8) PROBABLE CAUSE:**
- a. The affiant must present to a judge facts and information of the specific case that are sufficient for issuance of a warrant.
 - b. Probable cause to support the issuance of a search warrant must exist at the time the warrant is sought. Probable cause exists when an affidavit for a search warrant alleges sufficient facts to warrant a person of reasonable caution to believe that contraband or evidence of criminal activity is located at the place to be searched.

- c. The affiant must state the reasons for the belief that contraband is in the named building, avoiding conclusions, and the judge must find that there is probable cause for this belief.
- d. When application is made for a search warrant, all investigating officers will be required to keep detailed notes showing grounds for issuance and probable cause.
- e. The officer may rely upon information received through an informant, rather than upon direct observations, to show probable cause.
 - 1. The informant's statement or information must be reasonable, corroborated by other matters within the officer's knowledge.
 - 2. When information is received from a reliable informant, the affidavit should state that the informant is a person whose information in the past has proven to be reliable. Also, state the area in which he/she has given information and the number of times. The former reliability of the informant is reasonable corroboration on the part of the officer.
 - 3. Probable cause is not sufficient when an informant who is new and not one with whom an officer has dealt with in the past merely provides information. The information must be corroborated by some independent investigation or knowledge on the part of the officer.
 - 4. When a new informant supplies information, the officer must corroborate this information and state these facts in the affidavit.

(9) AFFIDAVIT FOR SEARCH WARRANT (DPD 370):

- a. The affiant's supervisor and the Denver District Attorney's Office must review and approve (in person, by telephone, or by email) all affidavits for search warrants and search warrants before presentation to a judge. If an emergency arises which precludes district attorney review, the affiant must obtain the approval of a sergeant or higher-ranking officer. Reviewing supervisors will print their name, badge number, the date, and sign their name at the end of the affidavit and search warrant to indicate review.
- b. An affidavit for a search warrant is a single copy form. If the space provided on a Search Warrant Affidavit (DPD 370) is insufficient to document the grounds for issuance of a warrant, an Affidavit, Continued (DPD 370C-1) may be used.
- c. After preparing the original copy, the affiant will make a photocopy of the form. The affiant will present both the original and the photocopy to the judge for signature.
- d. Prepare additional photocopies of the affidavit as needed. The affiant will ensure the primary investigator assigned the original investigation of the offense receives a copy of the Search Warrant Affidavit (DPD 370), the Search Warrant (DPD 371), and the Return and Inventory (DPD 373) after the search warrant is executed.
- e. Occasionally, information related to an investigation is crucial. When critical and sensitive information exists, the officer can request to seal the search warrant and affidavit. When requesting a sealed search warrant and affidavit, the affiant will include a paragraph detailing the need for sealing the warrant and affidavit in the body of the affidavit. The district attorney and judge must concur with the reasons for sealing the warrant.

(10) SEARCH WARRANT (DPD 371):

- a. A search warrant is a single copy form. After preparing the original copy, the affiant will make a photocopy of the search warrant. The affiant will present both the original and the photocopy to the judge for signature. The affiant will provide the judge with a regular size envelope.

The judge, after signing the affidavit and search warrant, will:

 - 1. Place one copy of the affidavit (DPD 370), and the Search Warrant (DPD 371), in the envelope provided by the affiant.
 - 2. Seal the envelope and place his/her initials or signature across the sealed flap.

3. Give the envelope and the other signed copies of the affidavit and search warrant to the affiant for execution.
- b. When obtaining a sealed warrant and affidavit, the affiant will provide the judge with an envelope for a Sealed Search Warrant and Affidavit (DPD 692).
 1. The judge and the affiant will sign and complete the face of the envelope.
 2. The affiant will place the sealed warrant and affidavit into the envelope.
 3. The judge will seal the envelope and place his/her initials or signature across the sealed flap.
 4. The affiant will keep the envelope for return to the court with the completed Return and Inventory (DPD 373) as outlined in section (11).
- c. Except for the procedure for sealed warrants outlined in (10) b, the affiant will forward the sealed envelope containing the original of the affidavit and warrant to the Denver County Court Administrative Office, Room #108, City and County Building.
- d. The affiant will make additional photocopies of the search warrant as needed. Leave one photocopy of the search warrant with the person, premises, vehicle, or business searched. Never leave a copy of the affidavit.
- e. The affiant will make prompt return on all search warrants, whether or not there was a seizure of property. If property seizure occurs, the affiant/executing officer will make a written inventory of the property. When there is no property seizure, the affiant/executing officer will make a notation to that effect on the return and inventory.
- f. Rule 41 of the Colorado Rules of Criminal Procedure states, "A search warrant shall be executed within 14 days after its date".

(11) RETURN AND INVENTORY (DPD 373):

- a. The Return and Inventory form is a two-part form.
 1. The affiant will send the original to the Denver County Court Administrative Office, Room #108, City and County Building, after making additional photocopies for the Evidence and Property Section and for any case filings.
 2. The affiant/executing officer will provide the second copy to the person from whom, or from whose premises or vehicle the property seizure occurred, along with a copy of the search warrant.
- b. The affiant/executing officer will accurately describe the property seized on the Return and Inventory form (DPD 373).
- c. After the execution of the search warrant, the affiant will send the original of the return and inventory, together with copies of the affidavit and the search warrant, in a sealed envelope and send them to the Denver County Court Administrative Office, Room #108, City and County Building.
 1. After the execution of a sealed search warrant, the affiant will place the original of the Return and Inventory, together with copies of the affidavit and the search warrant, in a second Sealed Search Warrant and Affidavit (DPD 692). The affiant will present the second envelope to the judge issuing the original search warrant. The judge and the affiant will sign and complete the face of the envelope. The affiant will place the sealed warrant, affidavit, and return and inventory into the envelope. The judge will seal the envelope and place his/her initials or signature across the sealed flap. The affiant will place both sealed envelopes (DPD 692) together and send them to the County Court Administrative Office, Room #108, City and County Building.

- d. When placing seized items in the Evidence and Property Section, the affiant/executing officer will complete only the top part of the Property Invoice and Receipt (DPD 122) and attach a photocopy of the Return and Inventory (DPD 373).

(12) CONSENT TO SEARCH (DPD 372):

- a. The validity of a consent to search, whether it is made orally or in writing, will be based on the elements outlined in CRS §16-3-310.
- b. When oral or written consents to search are given, the credibility of the consenting party may become an issue during a trial or on any motion for suppression of evidence.
 - In addition to the required body worn camera activation (OMS 119.03), officers should try to have more than one witness, either another officer or citizen, present at the time of the oral or written consent to search, the signing of the waiver, or at the time of the actual search.
 - Officers must clearly inform any person whom they are seeking consent, that they are under no obligation to allow police to search (voluntary), and that they can refuse the request (right of refusal).
- c. Any articles seized will be itemized on the bottom portion of the Consent to Search (DPD 372). One copy of the Consent to Search Form will be provided to the person granting consent to search. All items confiscated during the search will be booked into the Evidence and Property Section.

(13) SUMMARY:

A search warrant will be secured unless there is an emergency which calls for immediate action. If there is not time to secure a search warrant, and it is necessary to search a person or a place immediately, the following will be carefully noted:

- a. With a warrant of arrest or grounds to make an arrest without a warrant, officers may:
 - 1. Search the person at the time of the arrest.
 - 2. Seize articles which they attempt to conceal.
 - 3. Seize articles which they have on their person.
- b. With a warrant of arrest or grounds to make an arrest without a warrant, officers must not:
 - 1. Search the person before arresting them. A search for weapons during the physical arrest process is appropriate. A search incident to arrest (commensurate with a lawful arrest) is appropriate.
 - 2. Search first and then arrest the suspect because of what the search reveals.
- c. Absent a stop and frisk situation, when there is not a warrant of arrest and there is no probable cause to arrest without a warrant, officers may not conduct a search of a person without his/her consent. The stop and frisk exception would be a stop based on reasonable suspicion, combined with a separate reasonable and an articulable belief that a search of the person for weapons is necessary to maintain safety (stop and frisk).
- d. To search premises:
With an arrest warrant or grounds to make an arrest without a warrant, officers may:
 - 1. Make a reasonable search of the area where the person is arrested, provided the search is made at the time of the arrest and the search is confined to the immediate vicinity under their control, which means within their reach, lunge or grasp.
 - 2. Seize any object which the suspect attempts to conceal.
 - 3. Seize other articles suggestive of other criminal activities uncovered in the search, even though they do not relate to the offense for which the suspect is being arrested.

4. Make a search of the area if the suspect gives consent and has proprietary rights to do so.
- e. With an arrest warrant or grounds to make an arrest without a warrant, officers must not:
 1. Rummage on or about the premises, looking for whatever may be discovered, regardless of its connection with the offense for which the arrest is made.
 2. Attempt to search premises belonging to the suspect, or to which they have a right of possession or control other than the immediate vicinity where they are arrested.
- f. Without an arrest warrant or grounds to make an arrest, and if an arrest is not made, officers may search the premises with probable cause that supports exigent or emergent (threat to life or limb) circumstances.
- g. Without an arrest warrant and without grounds to make an arrest, and if an arrest is not made, officers must not:
 1. Make such a search if officers have an opportunity to secure a search warrant before making the search, even though probable cause exists.
 2. Make such a search if officers have only a suspicion that the criminal activity is present.
- h. If officers have secured a search warrant, they should be sure that:
 1. The search is made only at the times provided for in the warrant.
 2. Only the premises described in the warrant are searched.
 3. The search is conducted in strict compliance with the warrant.
 4. Only the articles described in the warrant are seized, unless contraband items are discovered and that an inventory of the articles seized is prepared at the location of the search and signed by the officers executing the warrant and witnessed, and a copy left with the owner or left at the place of the search. If additional items which were not in the original warrant are to be seized, it is necessary to refresh the warrant through the Denver District Attorney's Office and the judge.

107.02 WARRANTLESS SEARCHES OF MOTOR VEHICLES

(1) GENERALLY:

Officers are authorized to conduct a warrantless search of a vehicle immediately after arresting or stopping a motorist only under the following circumstances:

- a. The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the arrest; or
- b. It is reasonable to believe that evidence relevant to the crime for which the person was arrested might be found in the vehicle; unless one of the other exceptions to the Fourth Amendment's warrant requirement is applicable.

(2) SEARCH WARRANT:

If an officer cannot search the vehicle immediately after an arrest, and believes that it contains evidence, or has information that a vehicle contains evidence, he/she should obtain a warrant.

(3) CONSENT TO SEARCH:

If the driver, when asked, willingly opens the trunk, or allows the vehicle to be searched, any evidence found is lawful. The validity of a consent to search, whether it is made orally or in writing (DPD 372), will be based on the elements outlined in CRS §16-3-310 and The officer must inform the person with apparent or actual authority to provide permission for a search, that they may refuse consent.

(4) SEARCH INCIDENT TO VEHICLE IMPOUNDING – SEE OMS 205.01.

(5) LOCKED TRUNK OR GLOVE COMPARTMENT:

Whenever possible, an officer will open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions will be obtained from a supervisor as to the method of gaining access.

107.03 PLAIN VIEW DOCTRINE

(1) GENERALLY:

To seize property as evidence in plain view, officers must fulfill the following three conditions:

- a. The officer must be legally in a place from which the object could be plainly viewed.
- b. The object's incriminating character must be immediately apparent.
- c. The officer must have a lawful right of access to the object itself.

107.04 SEARCH AND SEIZURE OF ELECTRONIC RECORDING DEVICES

(1) PURPOSE:

This policy provides officers with guidance for situations in which they become aware of electronic recordings of serious crimes or police activity, to include videotaping, audio taping, and/or digital methods of recording, by members of the public or the media.

(2) DEFINITIONS:

Recording: Capturing of images (still or video), audio, or both, by means of a video camera, cell phone, audio recorder, or other device.

Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

(3) RIGHTS OF THE PUBLIC TO OBSERVE AND RECORD POLICE ACTIVITIES:

Members of the public, including but not limited to media representatives and bystanders, have a First Amendment right to observe and record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on -duty in a public space.

There are additional federal protections - Privacy Protection Act, 42 U.S.C. 2000aa(a) for persons who are creating work product for dissemination to the public – for example: video footage for a web site, newscast, etc. See section (5) g. of this policy.

- a. Persons who are in public spaces or locations where they have a legal right to be present—such as their home, a place of business, the common areas of public and private facilities and buildings, and areas such as parks and sidewalks generally, have a First Amendment right to record things in plain sight or hearing, to include police activity.
- b. Officers may not threaten or intimidate individuals who are recording police activities, nor will any officer discourage or interfere with the recording of police activities. However, the right to observe and record is not absolute and is subject to legitimate and reasonable time, place, and manner restrictions imposed by officers at the scene:
 1. Persons recording police activities are generally allowed to be in the same location as other members of the public. If a person recording police activities is interfering with the ability of officers to perform his or her duties or poses a safety or control risk, officers should clearly communicate this to the person and ask the person to move to another reasonable location before any enforcement action is taken. Verbal advisements by officers may prevent the need for police action.

2. It is up to the discretion of the officers who are engaged with the person who is recording to determine the location where the individual is required to move, and will be based upon the totality of the circumstances and must be reasonable based upon such circumstances.
3. Persons engaged in recording activities may not interfere with or obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions as a means of obstruction. Recording and/or overt verbal criticism, insults, or name-calling may be distracting or offensive, but does not of itself justify an officer taking corrective or enforcement action, or ordering that recording be stopped. To do so would be an infringement on an individual's right to protected speech.
4. A person may not attempt to enter any crime scene, private property, or other location under lawful police control and/or not normally accessible to the general public.
5. A person may not threaten any other person by words or actions.
6. A person may not interfere with the enforcement of law, ordinance or traffic code.
7. A person may not attempt to incite an immediate breach of the peace or incite others to commit a violation of the law.
8. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
9. The safety of officers, victims, witnesses, the person recording the activities, and third parties cannot be jeopardized by the recording party. Protections also extend to other individuals' privacy rights, such as the need to protect a victim (for example: sexual assault, child abuse) or confidentiality (such as the identity of a confidential informant or undercover officer). In such cases a person who is recording may be asked to leave the immediate area of the individual being recorded (or a large perimeter could be established).

(4) ARRESTS - OFFICER AND SUPERVISOR RESPONSIBILITIES:

- a. Persons who violate the foregoing restrictions should be informed that they are interfering with safety, control, and/or the officer's ability to perform his or her responsibilities and advised as to acceptable alternatives (such as moving back to another reasonable location determined by the officer's discretion) and given a reasonable opportunity to comply, when appropriate, prior to taking any additional action, including making an arrest.
- b. An arrest of a person who is recording officers in public will be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.
- c. Detention or an arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files or images requires a search warrant. Files and media will not be erased under any circumstances.
- d. When reasonably possible, officers will notify a supervisor of any incident in which an individual recording police activity is going to be, or will most likely be, arrested. Supervisory response and approval is preferable prior to a physical arrest (when reasonably possible) and required before transport and processing.
- e. Supervisors will ensure that proper procedures are followed in all situations involving the detention or arrest of a person who was recording during an incident, including individuals who were recording officers. In the event of an arrest, officers will note in their probable cause

statement the name of the supervisor who gave authorization for the arrest. When a supervisor declines approval for an arrest, the officer(s) will note the supervisor's name on their log sheet. If the officer did not seek a supervisor's approval prior to the arrest, the officer should explain why such notification was not reasonably possible.

(5) SEARCH AND SEIZURE OF RECORDING DEVICES AND MEDIA – OFFICER AND SUPERVISOR RESPONSIBILITIES:

a. Warrant requirement:

Absent the arrest of the recording party, recording equipment and media may not be confiscated without a warrant or exigent circumstances. Additionally, officers may not order an individual (whether or not in custody) to show recordings of a potential crime, enforcement actions, or other police operations. When consent is not granted or available, a warrant must be obtained or there must be a clear exigency in order to examine and/or copy a recording. The chain of custody and exigency must be clearly documented on a GO report.

b. Request for consent:

If there is probable cause to believe that evidence of a serious crime has been recorded, an officer may advise and receive instructions from a supervisor. At their own discretion or at the direction of a supervisor, a request for consent to search and/or seizure of the recording equipment or media may be initiated by the officer. At no time will any department personnel implicitly or explicitly coerce consent for search and/or seizure of equipment or recorded material.

c. Verbal consent procedures:

When an officer desires only to view recorded material (without seizing equipment or media) and seeking written consent is not reasonably practical, verbal consent may be sought. When seeking verbal consent, the officer must advise the person in possession of recorded material that consent is voluntary, and that they have the right to refuse. The reason why it was not practical to obtain written consent must be clearly documented and the officer will use his or her body camera to record the conversation during which verbal consent was obtained or refused.

d. Written consent procedures:

When reasonably practical, officers must seek written consent to search and/or seize a recording or media. Prior to conducting a search and/or seizure, officers will complete a Consent to Search and Seize a Cell Phone, Tablet, PDA, Computer, or Electronic Storage Media (DPD 812). The form should be explained in entirety to the involved person. The person with the recorded media and a witness must sign the form prior to a search and seizure and the officer will use his or her body camera to record the conversation during which the form for written consent was explained.

1. If a search with consent is conducted at the scene, every reasonable effort will be made to limit the scope to data, images or videos specific to the investigation. Photographs, data or other recordings unrelated to the scope of the search will not be intentionally viewed.
2. If a forensic search by the Investigative Technology Section is necessary, due to technology limitations, all data from the device may become visible to the examiner. A forensic search of media will not be limited to a specific file, image or video. To the degree possible, personnel conducting a forensic search will attempt to identify and extract files or data specific to the investigation.
3. In all instances of surrendered or seized equipment and/or media, the officer taking custody will give the bystander his/her business card, noting on it a description of the property received, CAD number, and the date, time and location. The officer will inform the person that such property will be retained for a reasonable period of time until no longer needed for court or evidentiary purpose.

4. As an alternative to obtaining verbal or written consent to physically seizing equipment or media (when reasonably practical and appropriate) the officer may request that the person in possession voluntarily transmit (while in the presence of the officer) the images, files, or sound via an Axon Citizen invitation. The officer should wait a reasonable period of time to verify that the Axon Citizen invitation was received.
 5. When equipment or media is consensually seized for later examination, items will be processed according to Evidence and Property Section procedures and the officer will complete a Technical Electronic Support Unit Request Form (DPD 745) in addition to other required reports.
- e. Procedures when consent is not granted:
- A supervisor will respond to the scene of any incident when there may be a need to search or seize recording equipment or media without a warrant or lawful consent. (NOTE: This does not include arrests where possession of recording equipment or media is unrelated to the offense charged and will not be searched – for example; a person in possession of a cell phone with no evidentiary value is arrested for a warrant).
- The supervisor will ensure that the following actions are completed:
1. The supervisor will ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquishing the recording device or media so that it may be viewed and/or copied as evidence. At no time will department personnel implicitly or explicitly coerce consent for search and/or seizure of equipment or media. If verbal consent is given, procedures outlined in Section (5) c. of this policy will be followed.
 2. Absent consent, the supervisor will evaluate whether there is sufficient cause to seize the equipment or media for immediate search, or to seize the equipment or media for a search subsequent to issuance of a warrant. Exigent circumstances and procedures outlined in Section (5) f. of this policy will be followed in making this decision. All other applicable procedures contained in this policy will also be followed. If the equipment or media is not seized, a warrant may be sought at a later time.
 3. In all instances of seized equipment and/or media, the officer taking custody will give the bystander his/her business card, noting on it a description of the property received, CAD number, and the date, time and location. The officer will inform the person that such property will be retained for a reasonable period of time until no longer needed for court or evidentiary purpose.
 4. When equipment or media is seized for later examination, items will be processed according to Evidence and Property Section procedures and the officer will complete a Technical Electronic Support Unit Request Form (DPD 745) in addition to other required reports.
- f. Exigent Circumstances:
- Officers must clearly and thoroughly articulate exigent circumstances. Exigent circumstances do not apply when recorded media is thought to contain images of police activity only, in which case recordings may be accessed only through voluntary consent or a warrant. Exigent circumstances related to recordings of evidence of a serious crime are as follows.
- When objectively reasonable grounds exist to believe:
1. That immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be confiscated and viewed. When circumstances permit, a supervisor will be consulted prior to confiscation and viewing. Even with this exigency, photographs, data or other recordings not related to the exigent purpose will not intentionally be reviewed; or

2. That the recording will be destroyed, lost, tampered with, or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be temporarily confiscated. A supervisor will be consulted and have final authority concerning the seizure of equipment or media. In cases where equipment or media is seized for later examination with a search warrant, items will be processed according to Evidence and Property Section procedures; or
 3. That a device contains evidence of a serious crime and there is probable cause to believe that the owner or someone else has the immediate capacity to remotely erase its contents, an officer may conduct a search. When practical, a supervisor will be consulted for authorization to conduct an immediate search of equipment or media. Even with this exigency, photographs, data or other recordings not related to the investigation will not intentionally be reviewed.
- g. Federal Privacy Protection Act exceptions – material recorded for public dissemination:
When an officer reasonably believes that recordings are being made for the purpose of dissemination to the public, such as news footage, publication on a web site, in a newspaper, book, broadcast, etc., the Privacy Protection Act of 1980 42 U.S.C. §2000aa, restricts use of search warrants and instead generally requires a subpoena.
In the following rare and fact specific situations, a subpoena is not necessary to seize the device but a search warrant is required to view the recordings unless exigent circumstances are present (See Section f. of this policy):
1. There is reason to believe that the immediate seizure of such materials is necessary to prevent death or serious bodily injury; or
 2. There is reason to believe that the time necessary to obtain a subpoena would result in destruction, concealment, or alteration of the materials; or
 3. There is probable cause to believe that a person possessing such materials has committed or is committing the crime to which the materials relate (for example, child pornography).
- Unless one of these exceptions applies, officers are advised to instead write a detailed GO report, titled "LETTER TO DETECTIVE" for follow up with the Denver City or District Attorney's Office. Civil damages can be the result of violating this Act.
- h. Whenever a recording device or media is seized without a warrant or obtained by consent, the item will be held in police custody no longer than reasonably necessary for officer(s), acting with due diligence, to obtain a warrant. The device or media must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved.

(6) ABANDONED RECORDING DEVICE OR STORAGE MEDIA:

- a. When an officer finds or is given an abandoned cell phone, camera, electronic storage device, etc., the officer will take the item to the Evidence and Property Section and follow procedures regarding Personal and Found Property. Officers have the same responsibility to safely return a cell phone, camera, electronic storage device, etc., to its rightful owner as with any other item that is not contraband or a weapon.
- b. The inventory search at the Evidence and Property Section is limited to only the identifying information within the device in order to complete a Property Owner Notification Card (DPD 351).

107.05 IMMEDIATE ENTRY SEARCH WARRANTS

(1) POLICY:

It is the policy of the Denver Police Department that any request for an immediate entry search warrant will be limited to reasonable concerns for either:

- The safety of police officers, people who may be in or near the area, and the potential suspects; or,
- The likelihood of destruction of evidence - to apply for an immediate entry search warrant, the affiant must conclude that there exists a reasonable suspicion that knocking and announcing the presence of the police would be dangerous or futile, or that it would inhibit effective investigation of the crime.

NOTE: Applications for immediate entry search warrants will not be authorized for suspected drug/narcotic charges only.

(2) DEFINITIONS:

Immediate Entry Search Warrant (No-Knock): A warrant that does not require officers to make their presence known to the occupants of a building or residence prior to entry, as authorized by §CRS 16-3-303(4).

Knock and Announce Warrant: A warrant that requires officers to first knock on the outer entrance and announce their identity and intentions prior to entering a building or residence. Officers are permitted to forcibly enter if no response is received in a reasonable time, or if there are indications the occupants are:

- Attempting to flee, or
- Destroying evidence or contraband, or
- Arming themselves

(3) FACTORS TO SUPPORT AN IMMEDIATE ENTRY SEARCH WARRANT:

a. Safety:

The primary and fundamental consideration is safety. An affiant must carefully evaluate the potential danger to:

- Police officers executing the search warrant
- Others who may be in the area when the search warrant is executed
- Occupants of the premises to be searched
- Suspects

b. Probability of Violence:

1. The Criminal History of the intended target(s). The affiant must obtain a criminal history (NCIC, CCIC, and "Denver Rap Sheet") for any intended target(s), and evaluate:

- Prior arrest(s) for drug offenses
- Pending felony case(s)
- Prior arrest(s) for weapon offenses
- Prior arrest(s) for violence (e.g., assaults, threats, etc.)
- Prior arrest(s) for resistance or interference with police officers
- Prior arrest(s) for domestic violence related crimes
- Arrest warrant(s) for escape

2. Gang Affiliation:

If a suspect has known or potential gang affiliation, the affiant must contact the Gang Section to determine their involvement. When a suspect is a known gang member, the affiant should also research prior acts of violence by this suspect and the gang. Gang

membership (as a sole consideration) is not sufficient reason for an immediate entry warrant.

3. **Mental Health:**

The affiant should investigate to determine whether the suspect has any history and documentation of mental health issues. This research should also include a determination of the suspect's prior history of drug and alcohol abuse.

4. **Ownership of Weapons:**

The affiant should investigate whether the suspect(s) or others in the target location have purchased any firearms or other weapons.

c. **Potential for the Destruction of Evidence:**

If a real potential exists for the destruction of evidence, the affiant must articulate this concern.

d. **Assessment of the Intended Target Location:**

The affiant must evaluate:

1. The likelihood of the destruction of the evidence as entry is made.
2. Potential threats and danger to neighbors, nearby businesses, and any schools in the area.
3. Whether the intended location is fortified. This may include the use of surveillance equipment and the use of mail slots or drop boxes for transactions.

e. **Type of Drugs and Business:**

1. **What is Being Sold?** The affiant must consider and evaluate the potential for the destruction of the drugs.
2. **Type of Business -** Sporadic relatively small quantity sales versus consistent heavy volume traffic versus infrequent sales of larger quantities.

f. **Methods of Operation:**

1. The use of lookouts.
2. Product sales techniques.
3. Use or ready availability of firearms and other weapons at the targeted location.

(4) DOCUMENTATION:

a. Any request for an immediate entry search warrant should clearly state that it is a request for immediate entry. Any such request should include the following:

- On the first line of the first page of the affidavit, in the center of the page, in bold type and in capital letters: **AFFIDAVIT IN SUPPORT OF IMMEDIATE ENTRY SEARCH WARRANT.**
- A final paragraph with the heading in bold type and in all capital letters: **BASIS FOR THE REQUEST FOR IMMEDIATE ENTRY SEARCH WARRANT.** Immediately following this heading, the affiant will clearly detail factors supporting the request for an immediate entry warrant.

b. Every search warrant that seeks an immediate entry should clearly state that the search warrant authorizes an immediate entry into the premises to be searched. Any such search warrant should include the following:

- At the top, center, in bold type, and all capital letters on each page of the search warrant: **IMMEDIATE ENTRY SEARCH WARRANT**
- Immediately preceding the authorizing judicial officer's signature, in bold type and all capital letters: **IMMEDIATE ENTRY SEARCH WARRANT**

- The authorizing judicial signature placed in a clearly designated box, which states in bold type and all capital letters: IMMEDIATE ENTRY SEARCH WARRANT IS AUTHORIZED

NOTE: If the authorizing judge finds probable cause to search, but that an immediate entry is not justified, the judge may sign the search warrant, but not the immediate entry designation.

(5) APPLICATION PROCEDURE:

If, after carefully evaluating all safety concerns, an officer is convinced that a request for an immediate entry search warrant is reasonable, then any officer (the affiant) may follow the procedural requirements listed below. Any request for an immediate entry search warrant must include the following:

- a. Immediate supervisor review of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable to the immediate supervisor, he/she will approve the documents by placing signature, badge number, date, and time on the final page of the affidavit.
 1. The affiant and immediate supervisor must then present a hard copy of the affidavit and warrant to their chain of command, up to and including, the affected commander of their assignment. Each level of command will review hard copies of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable, each level of command will note their approval by signature, badge number, date, and time on the final page of the affidavit.
 - If the affidavit or warrant is found to be deficient, the application will be halted until corrections are made. The deficiencies and/or recommendations for further investigation will be noted on the back of the first page of the affidavit along with the reviewer's name, badge number, date, and time and will be returned to the affiant and immediate supervisor for correction. Once corrected, the refused and revised affidavit and search warrant will be resubmitted through the chain of command for approval.
 2. After the signed approval of the immediate supervisor and the affected chain of command, the officer will present hard copies of the affidavit and search warrant to a designated or on-call deputy district attorney or chief deputy district attorney.
 - a. The designated or on-call deputy district attorney or chief deputy district attorney will carefully review hard-copies of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally sufficient, the reviewing deputy district attorney or chief deputy district attorney will approve by signing, dating, listing the time, and registration number on the last page of the affidavit.
 - b. If the affidavit or warrant is found to be deficient by the reviewing deputy district attorney or chief deputy district attorney, the application will be halted until appropriate corrections are made. The reviewing deputy district attorney or chief deputy district attorney must note the deficiencies and/or recommendations for further investigation on the back of the first page of the affidavit along with his/her name, date, and time.
 - c. After making the necessary corrections, prior to resubmission to the reviewing deputy district attorney or chief deputy district attorney, the affiant must give the refused and revised documents back to their immediate supervisor, their chain of command, up to and including the commander of their assignment, for approval.
 - d. After the necessary corrections have been made, including the necessary approvals having been obtained up until this point, the affiant must submit the

refused and revised documents to the same reviewing deputy district attorney or chief deputy district attorney for approval.

3. After the approval of the immediate supervisor, the affiant's chain of command, up to and including the commander of their assignment, and a deputy district attorney or chief deputy district attorney, the affiant will present the affidavit and search warrant to a Denver County Court judge.

a. If the affidavit or warrant is found to be deficient by the judge, the affidavit and warrant application will be halted until appropriate corrections are made.

b. Prior to resubmission to a judge, the affiant must again obtain the approval of: the affiant's immediate supervisor; their chain of command, up to and including the commander of their assignment; and the same reviewing deputy district attorney or chief deputy district attorney.

c. If the affidavit and proposed search warrant are resubmitted after corrections, the officer must submit the refused and revised documents to the same Denver County Court judge.

b. If at any point in the review/approval process, the same immediate supervisor, chain of command, up to and including the commander of their assignment, reviewing deputy district attorney or chief deputy district attorney, and/or the judge are not available for the second review, then the refused affidavit (with the notes from the original refusing reviewer) and the revised affidavit must be submitted to another (or new) immediate supervisor, chain of command, up to and including the commander of their assignment, deputy district attorney or chief deputy district attorney, and/or judge for review. The circumstances surrounding the unavailability of the same reviewers will be noted in the supplemental report.

(6) METRO/SWAT:

a. Immediate Entry Search Warrants (No-Knocks):

METRO/SWAT will execute ALL immediate entry search warrants.

1. Any request for METRO/SWAT to execute an immediate entry warrant should be made to a METRO/SWAT sergeant (or higher rank) no later than eight (8) hours after judicial approval.

2. The requesting officer will supply the METRO/SWAT supervisor with the affidavit and search warrant.

3. The METRO/SWAT supervisor should ensure the information regarding the targeted location is correct. NOTE: Every affidavit should include a summary of the investigation and facts that conclusively demonstrate that the targeted location is the correct location.

b. Knock and Announce Search Warrants:

The supervisor of the affiant will determine the level of participation METRO/SWAT will have in the execution of a "knock and announce" search warrant. METRO/SWAT should serve as an on-call expert and supervisors are encouraged to contact METRO/SWAT for assistance in executing this type of warrant.

- A METRO/SWAT supervisor may determine, for officer safety, that facts and circumstances justify application for an immediate entry search warrant. In such cases, the METRO/SWAT supervisor will consult with the supervisor of the affiant. If no resolution can be reached, the issue will be pursued and resolved through the chain of command, up to the Deputy Chief. The warrant will not be executed until the issue is resolved.

(7) EXECUTION AND FOLLOW-UP:

If an officer obtains approval for an immediate entry search warrant, that search warrant must be executed within seventy-two (72) hours of judicial approval.

- a. Exceptions: If an extension is granted, an immediate entry search warrant will be executed within one hundred and twenty (120) hours of judicial approval. To be granted an exception to seventy-two (72) hour execution rule, the affiant must obtain the approval of:
 1. The supervisor who first approved the documents
 2. A command officer
 3. The same DA (or immediate supervisor) who approved the documents
- b. Extension Requests: Any request for extension will be written on an Extension Request, stating the reasons for the request and will contain signature lines for the reviewers noted above.
- c. Extensions – Approved: If an exception to the seventy-two (72) hour execution requirement has been approved, a forty-eight (48) hour extension may be granted. If the immediate entry search warrant is not executed within the extension period (one hundred and twenty (120) hours from judicial approval), then a new immediate entry affidavit and search warrant must be obtained.
- d. The investigating detective will scan the following related documents into the Records Management System and maintain them as an after-search case file:
 - Affidavit
 - Search Warrant
 - Inventory and Return
 - Any requests for extension
 - METRO/SWAT Immediate Entry Search Warrant Report
 - The case supplemental report noting the number of arrests, weapons, and narcotics recovered because of the warrant.
- e. After-Search Case File – Requirement:

Within seventy-two (72) hours of the execution of all immediate entry search warrants, or within seventy-two (72) hours after the expiration period for execution of an authorized immediate entry search warrant, the affiant must submit a full “After-Search Case File.” This file should include a detailed narrative accounting of the search process. When a search warrant is not executed, a detailed written report will be made to explain why.
- f. After-Search Case File – Required Documents:
 1. Affidavit
 2. Search Warrant
 3. Inventory and Return
 4. Any requests for extension
 5. METRO/SWAT Immediate Entry Search Warrant Report
- g. METRO/SWAT Immediate Entry Search Warrant Report – Contents:

Completion of a METRO/SWAT Immediate Entry Search Warrant Report will replace the requirement to complete an After Action Report (DPD 286), and a Forced Entry Report. A METRO/SWAT Immediate Entry Search Warrant Report should include the following:

 1. Target location address.
 2. Name of notifying party (usually the affiant).
 3. Date and time of notification.
 4. Special problems with target location (i.e., fortification, presence of children, elderly, etc.)

5. All preparations during the time period between judicial approval of the search warrant and execution of the warrant.
 - Examples of preparation should include surveillance, scouting method, and tactical preparation
 6. Briefing time and location.
 7. Personnel involved in warrant execution:
 - Supervisor(s)
 - Entry team and assignments
 - Perimeter team and assignments
 8. Detailed narrative explaining what, if any, violence or injury (including potential) occurred during execution of the immediate entry warrant.
 9. Description of the method of entry including the use of diversionary devices.
 10. Description of injuries to officers, suspects, or victims during the execution of the warrant.
 11. The number of weapons found during the search, and location, proximity to occupant(s), and availability of the weapons.
- h. After-Search Case File – Distribution:
- Within seventy-two (72) hours of the executed immediate entry search, or the expiration of the search warrant, copies of the “After-Search Case File,” as described above, will be distributed to:
1. The investigating officer’s criminal case file (discovery)
 2. The affiant’s immediate supervisor and/or the supervisor who approved the affidavit and search warrant
 3. The deputy district attorney or chief deputy district attorney who approved the affidavit and search warrant
 4. The Judge who authorized the search warrant
 5. The commanding officer of METRO/SWAT
 6. The commander of the affected district
 7. Civil Liability Section
 8. Commander of the Special Operations Bureau
 9. Division Chief of Investigations
 10. Deputy Chief
 11. Chief of Police
 12. Executive Director of Safety
- i. Semi-Annual Report:
- The DPD will issue a semi-annual summary of immediate entry search warrants executed. The Chief of Police will issue this semiannual written report, with input and contributions from the Special Operations Bureau and METRO/SWAT.
- Distribution - This report will be distributed as follows:
- The Mayor
 - The Executive Director of Safety (available to all DPD officers)
 - The Denver District Attorney
 - The Presiding Judge of the Denver County Court (available to all county court judges)

- Available for public inspection

(8) IMMEDIATE ENTRY WARRANTS FROM OUTSIDE AGENCIES:

- a. Officers or detectives from outside agencies who request assistance in executing an immediate entry search warrant must:
 1. Have the original affidavit reviewed by a designated or on-call Denver deputy district attorney or chief deputy district attorney who will note the approval by signing, noting the date, time, and registration number on the affidavit.
 2. Present the affidavit and search warrant to a METRO/SWAT supervisor within eight (8) hours of judicial approval.
 3. Have the warrant executed by METRO/SWAT who will have total control over the tactical execution.
 4. Execute the warrant within three (3) business days of judicial approval, unless a two (2) business day extension is obtained pursuant to procedures outlined in this section.
- b. The METRO/SWAT Immediate Entry Search Warrant Report must be completed by a METRO/SWAT supervisor and distributed per the procedure.

107.06 RULE 41.1 – COURT ORDER FOR NON-TESTIMONIAL IDENTIFICATION

(1) DEFINITIONS:

Offense: Any felony, class 1 misdemeanor, or other crime punishable by imprisonment for more than one year.

Non-testimonial identification: Includes, but is not limited to, identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, specimens of material under fingernails, or other reasonable physical or medical examination, handwriting exemplars, voice samples, photographs, appearing in lineups, and trying on articles of clothing.

(2) RULE 41.1:

Rule 41.1 of the Colorado Rules of Criminal Procedure provides for the following when obtaining an order for non-testimonial identification.

- a. Any judge of the Supreme, District, Superior, County Court, or Court of Appeals may issue this order.
- b. Officers can make an application request for a non-testimonial identification order when they have probable cause that a crime occurred and reasonable suspicion not amounting to probable cause that a specific person committed the crime, prior to the arrest of the suspect.
- c. A court will issue an order only on an affidavit or affidavits sworn to or affirmed before a judge and establishing the following grounds for the order:
 1. That there is probable cause to believe that an offense has been committed;
 2. That there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense; and
 3. That the results of specific non-testimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense.
- d. Upon a showing that the grounds specified in section (2) c. exist, a judge will issue an order directing any peace officer to take the person named in the affidavit into custody to obtain non-testimonial identification. If completed, the officer will release such person or charge them with an offense.
- e. An order to take a person into custody for non-testimonial identification will contain:

1. The name or description of the individual who is to give the non-testimonial identification;
 2. The names of any persons making affidavits for issuance of the order;
 3. A description of the criminal offense supporting the issuance of the order and the specific non-testimonial identification procedures the officer will conduct;
 4. A mandate that directs the officer receiving the order to detain the person for only such time as is necessary to obtain the non-testimonial identification;
 5. The typewritten or printed name of the judge issuing the order and signature of the judge.
- f. Any peace officer or other person designated by a judge may conduct a non-testimonial identification procedure. Medically trained personnel will supervise blood tests, and a judge may require medical supervision for any other test ordered pursuant to this section when the judge deems such supervision necessary. Officers will not detain any person who appears under an order of appearance (issued pursuant to this section) longer than is reasonably necessary to conduct the specified non-testimonial identification procedures, unless the officer arrests the person for an offense.
- g. The officer must execute and return the order within fourteen (14) days after its date of issuance.
- h. Officers will only execute the order in the daytime unless the issuing judge endorses on the order that the officer may serve it at any time (because it appears that the suspect may flee the jurisdiction if not served immediately). The officer must supply information supporting this conclusion within the affidavit of the order.
- i. The officer executing the order will provide only a copy (not the affidavit) of the order to the person served. The officer will not provide a copy of the affidavit to the person served.
- j. Except for a protective search for weapons, an officer will conduct no search of the person given an order for non-testimonial identification, unless the officer also has a separate search warrant authorizing a search of the person.
- k. Upon execution of the order or expiration of the fourteen-day period, whichever comes first, the officer will make a return to the issuing judge showing whether the person named has been:
1. Detained for such non-testimonial identification;
 2. Released or arrested
- l. The limits of a Rule 41.1 are to non-testimonial identification evidence only. The order does not authorize an officer to pursue or acquire testimony or other communications protected by the privilege against self-incrimination.
1. While detaining an individual to obtain the non-testimonial sample, officers cannot question or interrogate the person.
 2. Officers can seek consent to conduct an interview after completing the execution of the order and releasing an individual from custody.
 3. If an officer arrests an individual after executing a non-testimonial order, the officer may question them per OMS 301.02.

107.07 WRIT OF HABEAS CORPUS

(1) GENERALLY:

Courts issue a Writ of Habeas Corpus to obtain the presence of a person in court – either as a witness or a defendant - when the person is incarcerated somewhere other than Denver, or in Denver with a non-Denver hold. The Denver Sheriff Department is responsible for executing a Writ of Habeas Corpus.



115.01 BARRICADED SUSPECTS AND HOSTAGE SITUATIONS

(1) GENERALLY:

The preservation of life is the primary objective in a barricaded suspect or hostage incident. All actions taken should be aimed at reducing the likelihood of further violence. Whenever possible, such situations will be handled in the following manner:

- a. The first officer on the scene should select an approach that will ensure his/her own safety and should then attempt to isolate, contain, and evaluate the situation, provide an initial report to the dispatcher, and request additional resources as needed.
- b. The first officer on the scene will verify a barricaded suspect and/or hostage situation, based on the following check list:
 - The suspect has committed or is reasonably suspected of having committed a criminal act.
 - There is a good reason to believe the suspect is armed.
 - The suspect poses a potential threat to the lives of others.
 - The suspect is secreted in a position of advantage.
 - The suspect has refused to submit to arrest or has refused to respond to attempts at contact.
- c. If such a situation does exist, the officer will notify their immediate supervisor and the dispatcher without delay.
- d. The dispatcher will notify:
 1. Personnel responsible for handling barricade and/or hostage incidents.
 - The ranking on duty or on-call supervisor/command officer of the affected district.
 - The commanding officer of the METRO/SWAT Section (or designee).
 - The commanding officer of the Major Crimes Division.
 - The on-call public information officer.
 2. The Denver911 supervisor, who will make any other required notifications.

(2) PRIMARY RESPONSIBILITIES OF THE FIRST RESPONDING OFFICERS:

- a. Contain the suspect via inner and outer perimeters.
- b. Attempt to establish communication with the suspect and determine the nature of the problem. Officers should avoid bargaining with or making any concession to the suspect.
- c. Commence evacuation of the affected area or shelter in place.

(3) INCIDENT COMMAND:

The ranking command officer from the affected patrol district will take immediate command of the incident scene until relieved of this responsibility by the Division Chief of Patrol, who will designate an incident commander. The incident commander's responsibilities include:

- a. Assume total command of all police personnel on the scene.
 - b. Make any necessary notification to off-duty command personnel in the affected district.
 - c. Establish a command post with as many of the following site characteristics as possible:
 - Close proximity to the scene, but out of visual contact.
 - Sufficient area for officers to assemble.
-

- Safe avenues of entry and exit.
- Upwind from the suspect.
- d. Isolate the scene through a controlled outer perimeter.
 - Traffic should be directed away from the scene.
 - Citizens in the danger area should be evacuated or sheltered in place.
- e. Notify the dispatcher of the location of the command post and of the need for the fire department, paramedics, or helicopter to respond to the scene or be placed on standby.
- f. Notify the PIO and establish a media briefing area at a location separate from the command post. This area must be out of sight of the tactical operations area to avoid unintentional release of operational plans to the suspect.
- g. Request a clear channel from the dispatcher, if appropriate.
- h. Request the assistance of departmental hostage negotiators, if needed.
- i. Establish and maintain communications between the command post, the hostage negotiators, and the METRO/SWAT Section. A unified command post will be established when appropriate.
- j. Have the final authority of yielding to the suspect's demands or invoking a tactical response.
- k. Once the incident commander has decided that a tactical response is the most appropriate action, he/she will relinquish command of the tactical response to the commander of the Special Operations Division (or designee). The Special Operations commander will advise the incident commander of tactical progress and activity.

(4) OTHER ASSIGNMENTS PROVIDING ASSISTANCE DURING THE TACTICAL OPERATIONS PHASE:

- a. It will be the responsibility of the commanding officer of the METRO/SWAT Section to:
 - 1. Evaluate METRO/SWAT personnel requirements and arrange for their response.
 - 2. Establish an inner perimeter, staffed as much as possible with METRO/SWAT officers, for the purpose of excluding unauthorized personnel (including unauthorized police personnel). The incident commander will make the final determination regarding personnel to be allowed inside the inner perimeter.
- b. The commanding officer of the Major Crimes Division (or designee) will provide department personnel and equipment with which to conduct negotiations and gather intelligence information.

(5) INCIDENT COMMAND – TRANSITION:

The commander of the Major Crimes Division (or designee) will assume incident command when requested to do so by the Division Chief of Patrol (or designee) for the purpose of providing for the crime scene investigation, including the filing of any criminal charges. See OMS 301.01

(6) GENERAL GUIDELINES FOR CONSIDERATION DURING A BARRICADE/HOSTAGE SITUATION:

- a. A calm and controlled atmosphere is the best ally of the police. Utilizing delay tactics can often facilitate proper planning and response.
- b. Hostages are best protected when not moved from the presence of police.
- c. Officers will not surrender themselves as substitutes for any hostage and experience has shown that officers who surrender their weapons for any reason increase the danger to all concerned, particularly themselves.
- d. If, at any time, the suspect begins to injure or kill the hostages, immediate action should be taken to neutralize the situation, if the situation permits.

(1) GENERALLY:

The Denver Police Department will provide emergency assistance whenever a privately owned or commercial aircraft crashes within the City and County of Denver.

- a. The first officer arriving at the scene will request whatever assistance is required to begin rescue operations and to secure the area. These officers will function as incident command for the police department until a supervisory or command officer of the affected arrives at the site. It is essential that adequate police units be deployed without delay so control of the entire incident can be gained without unnecessary delay. The police department incident command structure will continue to grow as dictated by the size and scale of the crash.
- b. Officers arriving on the scene should:
 - Determine the nature and extent of the crash.
 - Request additional personnel and other resources as needed.
 - Provide medical attention until the arrival of emergency medical services.
 - Assist in evacuation efforts in case of fire or explosion and contain the area to exclude unauthorized individuals.
 - Provide crowd control and other assistance until directed otherwise by a supervisor.
- c. Incidents such as this will require an emergency response from many other resources such as the fire department, paramedics, public utility companies, and any other city agency as needed. As these other emergency teams are responding, the police department will primarily direct their attention to securing the area, providing clear and easy access to and from the site, and mitigating any subsequent dangers to public safety.

(2) DENVER INTERNATIONAL AIRPORT:

If the crash occurs on Denver International Airport (DIA) property, DIA will activate emergency procedures developed for such incidents and the Airport Police Division will work in conjunction with the airport's emergency response. The commander of the Airport Police Division (or designee) will notify Denver911 if additional resources are needed.

(3) INCIDENT REPORTING:

The Denver Police Department is not responsible for completing reports concerning the aircraft crash. The investigation will be conducted by the FAA and the National Transportation Safety Board.

- a. The Denver Police Department will complete a Sick and Injured Report (DPD 150) for all injured persons transported to the hospital from the crash site.
- b. Any additional reports related to any incident that occurred because of the atmosphere created by the airplane crash (e.g., traffic accidents, property theft etc.) will be completed by Denver police officers.

(4) MEDICAL EXAMINER:

The Denver Office of the Medical Examiner will assume custody of any deceased persons. The medical examiner will contact the Denver Police Evidence and Forensics Division or the Identification Section if assistance is required to identify the deceased.

115.03 MILITARY AIRCRAFT CRASH

(1) MILITARY AUTHORITIES IN CHARGE:

When an air crash involves a military plane, the first officers on the scene will function in the same manner as when private or commercial aircraft crashes (OMS 115.02), except that military authorities will take complete charge of the incident upon their arrival.

(2) PRECAUTIONS AND INITIAL RESPONSE:

Officers should be especially cautious at the site of a military aircraft crash.

- a. Many hazards and hazardous materials may exist onboard, including explosives built into the ejection and electronic guidance systems, quantities of oxygen in the cockpit, high pressure hydraulic systems, and extremely caustic batteries.
- b. The Denver Police Department Bomb Unit and the fire department will be called to the scene as military aircraft can be loaded with incendiary devices, various types of bombs, and other weaponry.
- c. Officers must resist their instinctive reaction to immediately check for injuries and remove people who may be in the aircraft. Officer should approach the downed aircraft only after specially trained and protected military, DPD Bomb Unit, and fire department personnel have arrived and evaluated the crash site.
- d. Prior to the arrival of military authorities, officers will prevent photographs from being taken of any military property or equipment, except by authorized U.S. Government officials. Anyone taking unauthorized photographs of military aircraft and equipment can be subject to Federal Espionage Laws. No information concerning the event will be given to unauthorized persons.

115.04 ASSISTING THE FIRE DEPARTMENT

(1) GENERALLY:

The Denver Fire Department is primarily responsible for providing fire suppression, emergency medical services, technical rescue, and hazardous materials response. Whenever the fire department requests police assistance Denver911 will dispatch a police officer at the appropriate response level (Code 9 or 10). The first responding officer will determine if additional officers are needed, and if so, will request assistance through the police dispatcher.

(2) DUTIES OF OFFICERS AT THE SCENE OF A FIRE:

Officers will extend whatever assistance is required and cooperate to the fullest extent with members of the Denver Fire Department. First responding officers will:

- a. Secure the scene, including any entrance/exit points, and establish an outer perimeter.
- b. Control access roads to and from the fire site, allowing for emergency vehicle access when needed.
- c. Assist in evacuation efforts and contain the area to exclude unauthorized individuals.
- d. Allow access and assist emergency response teams from other agencies as needed (e.g., public utility companies, etc.)
- e. Provide crowd control and other assistance until directed otherwise by a supervisor.

115.05 UTILIZATION OF CANINES

(1) METRO/ K-9 UNIT:

METRO/K-9 Unit canines are available to assist in area searches, building searches, in addition to regular patrol duties and special assignments.

(2) SPECIAL OPERATIONS DIVISION AND AIRPORT POLICE DIVISION:

Canines assigned to the Special Operations Division and Airport Police Division / Explosive Detection Canine Units, are available to assist with explosive detection, dignitary protection, counterterrorism sweeps, and Bomb Unit support.

(3) CALLOUT:

If an officer would like to request a canine and none are on duty, the officer will notify their supervisor, and if approved, the supervisor will notify the dispatcher for a callout request. The appropriate canine supervisor will be contacted and make the determination of which, if any, canine officer to send.

(4) SUPERVISOR AUTHORIZATION:

Canine handlers will adhere to any unit/section/division directives applicable to them based on assignment and must have the approval of their command officer (or designee) before any police service dog can be deployed. The canine handlers, along with METRO/K-9 or Airport Police/K-9 supervisors and command officers, will determine the appropriate utilization of the canines.



117.01 BILL OF RIGHTS (SWORN OFFICERS ONLY)

(1) EXERCISING RIGHTS:

No officer will be disciplined or discriminated against with regard to his/her employment, or be threatened with any such treatment, by reason of his/her exercise of the rights granted in this Police Officer's Bill of Rights.

(2) DISCRIMINATION:

Police officers will not be discriminated against or penalized in regard to their employment because of actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation or for any reason not related to performance or the ability to perform as professional police officers.

(3) NOTIFICATION:

No officer will have any comment adverse to his/her interest entered in the Performance Evaluation System or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.

(4) PRIVACY:

No locker or other space for storage that is provided by the department and assigned to an officer will be searched except:

- in the officer's presence, or
- with the officer's consent, or
- unless a valid search warrant has been obtained, or
- when notification has been made that a search will be conducted.

(5) POLITICAL ACTIVITIES - GENERAL:

No officer will be prohibited from engaging in political activities, except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his/her official capacity, provided such activities do not impede or impair the efficient operation of the department.

- a. No officer while seeking or holding any political office will appear in that capacity in the Denver police uniform or use his/her position as an officer to gain political office or carry out the duties thereof.

(6) INTERNAL INVESTIGATION COMPLAINTS:

An officer under internal investigation will be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision will not apply to a complaint/investigation that would be jeopardized by such notification.

- a. Officers subject to an internal investigation will be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant's name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.
 - b. All officers who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available observer of the officer's choice. The
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observer chosen must be able to attend the interview within a reasonable period of time. No interview will be conducted unless the requested observer is present. During the interview, however, the observer may only act as a witness to the proceedings. The observer may be excluded if his/her behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Bureau or any formal investigation initiated by an officer's supervisor. It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer's supervisors.

1. Any witness to the alleged offense or violation will not be permitted to act as an observer for the officer under investigation.
 2. If a Denver police officer is selected and agrees to act as an observer, he/she will not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NON-CRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an observer.
- c. Any officer contacted by the Internal Affairs Bureau with regard to providing a statement or other information will be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.
 - d. An officer called for a subsequent internal investigation interview will be afforded the opportunity to review all of his/her prior statements, whether written, sound or video recorded, prior to being asked any further questions.
 - e. Internal investigation interview sessions will be conducted for reasonable periods, and will be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there will be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, will be noted in the reports/recordings of the interview.
 - f. Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, will contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview will also be included:
 1. Upon request, the officer interviewed will receive a copy of his/her statements.
 2. An officer will be allowed to sound record the interview, provided that the Internal Affairs Bureau is permitted to make a copy of the recording.
 - g. Unless immediate action is required, the internal investigation interview will be conducted at a reasonable hour, preferably during the officer's normal work shift.
 - h. All internal investigation interviews will be conducted in a private setting, if at all possible.
 - i. All investigations conducted by the Internal Affairs Bureau should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.
 - j. Officers under investigation by the Internal Affairs Bureau will not be compelled to submit to a polygraph. An officer under investigation may, of his/her own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.
 - k. Prior to an officer being questioned regarding any incident that could result in departmental violations or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If during questioning under the
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administrative advisement pursuant to internal investigation it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.

- I. No officer being interviewed will be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions will be informed that failure to answer questions directly related to the investigation may result in disciplinary action.

(7) PERSONNEL FILES:

By appointment, all officers may review the contents of their personnel file. Officers have the ultimate responsibility for ensuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 ASSIGNMENT OF OFFICERS

No on-duty or off-duty assignment of officers will be made on the basis of an officer's actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. This policy will in no way limit the department from assigning to work at an event any officer who volunteers to do so.

117.03 POLITICAL ACTIVITIES – LAWS AND RULES AND REGULATIONS

- (1) Prior to engaging in political activities, officers will ascertain that such activities are legally permissible, in compliance with departmental rules and regulations and the secondary employment procedure, and are compatible with their position and duties as police officers.
 - a. The laws affecting political activities by Denver police officers include:
 - Title 5, Chapter 15 United States Code (The Hatch Act);
 - Denver City Charter Sections 1.2.8, 1.2.9, 1.2.10, 1.2.12; and
 - Denver Revised Municipal Code (DRMC) sections 2-52 (definitions), 2-53 (board of ethics), 2-54 (advisory opinions and waivers), 2-60 (gifts to officers, officials, and employees), and 2-61 (conflicts of interest while employed).
 - b. Excerpt from DRMC 2-61(g):

“No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the interests of the city.”
 - c. Excerpt from DRMC 2-54(d):

“A person whose conduct is in accordance with an advisory opinion or a published unreversed advisory opinion of the board of ethics shall not be found in violation of any of the provisions of this article.”
 - d. Except for the exercise of such fundamental rights as voting, attending political meetings and membership in political clubs and organizations, officers are advised to obtain an advisory opinion from the Denver Board of Ethics prior to engaging in political activity.
 - e. Questions arising as to whether certain political activities are prohibited by the Federal Hatch Act may be submitted to the U.S. Merit Systems Protection Board for an advisory opinion. The United States Civil Service Commission has ruled:

“An officer or employee of a State or local agency is subject to the Act if, as a normal foreseeable incident to his/her principal position or job, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or Grants; otherwise, he/she is not.” [Applied: IN RE BALDASSARO, 2 POLITICAL ACTIVITY REPORTER 708 (1963)]

- f. Officers will familiarize themselves with Rule and Regulations 702 through 704 prior to engaging in political activities.

117.04 COLLECTIVE BARGAINING AGREEMENT GRIEVANCES

Any grievance filed under the collective bargaining agreement between the City and County of Denver and the Denver Police Protective Association will follow the procedure outlined in the collective bargaining agreement in force at the time.

- The central repository for storage of any grievances at the conclusion of Step 2 under article 30.4 of the Collective Bargaining Agreement will be the Civil Liability Section within the Denver Police Department.

117.05 DEPARTMENT OF SAFETY EEO POLICY (SWORN AND CIVILIAN)

It is the policy of the Department of Safety that its employees (both civilian and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race (to include hair texture, hair type, or protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.

- (1) Examples of on-duty or off-duty conduct that could violate this policy include but are not limited to:
 - a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
 - b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
 - c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
 - d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
 - e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
 - f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.
- (2) Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.
- (3) All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
 - a. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command;
 - b. The Internal Affairs Bureau for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week);
 - c. The Human Resources Bureau for the reporting employee's or offending employee's agency;
 - d. The Manager of Safety's EEO Coordinator; and/or
 - e. The Career Service Authority Employee Relations Unit.

Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative shall not constitute reporting of a potential policy violation, nor shall it be considered legal knowledge or notice to the City or Department of Safety.

A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.

- (4) Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Manager of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity shall not constitute reporting or notice to the agency, Department of Safety, or City.
- (5) The Department of Safety maintains "zero tolerance" regarding violations of this policy, meaning the Department will not knowingly tolerate acts of discrimination, harassment, or retaliation. Allegations about potential violations of this policy will be taken seriously and the Department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.
- (6) Retaliation is strictly prohibited against employees who have in good faith:
 - a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
 - b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or
 - c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint or providing a witness interview during an investigation.

Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above-listed protected activities. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from co-workers, and escalating harassment. Any Department of Safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

The intent of this policy is to ensure that the Department of Safety take immediate and proper action to eradicate harassing, discriminatory or retaliatory behavior regardless of whether the behavior violates federal or state law.

117.06 PROTECTED INFORMATION (SWORN AND CIVILIAN)

(1) RETALIATION PROHIBITED:

It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any city employee. No employee of the Denver Police Department will retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, city official, governmental agency, chief's hearing, use of force review board, tactics review board, Denver Office of the Independent Monitor, citizen oversight board, the Safety Employee Relations Specialist, Denver Career Service Board, any Denver Career Service Board hearing officer, the employee's appointing authority, Denver Civil Service Commission, and Denver Civil Service Commission hearing officer, or the Denver City Board of Ethics. No employee of the department will intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

(2) PROHIBITED CONDUCT:

Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.

(3) INFORMATION DISCLOSURE:

Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.07 INVESTIGATION GUIDELINES (SWORN AND CIVILIAN)

(1) PROCEDURES – SWORN OFFICERS AND SWORN/CS EMPLOYEE COMBINATION:

If the subject of an investigation is a sworn officer or if subjects of the same complaint/investigation are a combination of sworn officers and civilian employees:

- a. All allegations of a violation of law or department policy will be thoroughly investigated by the Internal Affairs Bureau (IAB) in accordance with section 503.01. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.
- b. All allegations against sworn officers of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Internal Affairs Bureau and the Safety Employee Relations Specialist.
- c. The Commander of IAB must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
- d. All complaints of discrimination, harassment, or retaliation will be given an IAB case number.

(2) PROCEDURES – CS EMPLOYEES:

If the subject(s) of an investigation is/are solely civilian employee(s):

- a. All allegations of a violation of law will be thoroughly investigated by the Internal Affairs Bureau. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.
- b. All allegations of a violation of department policy will be thoroughly investigated by the subject employee's supervisory chain of command and the Safety Human Resources Management Division. The Internal Affairs Bureau may provide assistance upon request.
- c. All allegations against civilian employees of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Safety Employee Relations Specialist.
- d. The Safety Employee Relations Specialist must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
- e. All complaints of discrimination, harassment, or retaliation will be given a case number.

(3) GENERAL PROCEDURES:

- a. Anonymous complaints will be evaluated by the commander of IAB and the Safety Employee Relations Specialist (if alleging discrimination, harassment, or retaliation) to determine the appropriate course of action.
- b. The complainant will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.
- c. The subject officer or employee will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.
- d. The complainant will be advised in writing by the department of the final disposition of the case.

117.08 COMPLAINT OR APPEAL FILED BY CIVILIAN EMPLOYEES

(1) GENERAL PROCEDURES:

Civilian employees who have attained career status may refer to Career Service Rules 15 and 19 for procedures concerning the filing of complaints and appeals through Career Service.

- Civilian employees who have not attained career status may refer to Career Service Rule 15 for the applicable provisions concerning the filing of complaints.

(2) HARASSMENT, DISCRIMINATION OR RETALIATION:

Civilian employees may refer to OMS 117.05(4) or Career Service Rule 15-103 for procedures in filing complaints of harassment, discrimination, or retaliation.



118.01 POLICY STATEMENT

- (1) The City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions.
- (2) The Denver Police Department respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. However, such information must be regularly and rigorously examined to ensure compliance with OMS 118.03 and state and federal constitutional and statutory provisions. No information on any individual, group, or organization will be entered into the criminal intelligence database solely because of their political views, religion, social views, associations, or expressive activities.

118.02 BIASED POLICING

(1) **PURPOSE:**

- a. To reaffirm the Denver Police Department's commitment to unbiased policing;
- b. To reinforce procedures that serve to maintain public confidence by providing services and enforcing laws in a fair and equitable manner; and
- c. To remind officers of "probable cause" and "reasonable suspicion" criteria.

(2) **DEFINITIONS:**

Biased Policing: The practice of singling out or treating differently any person based solely on any of the following: actual or perceived race; color; ethnicity; creed; national origin; language; ancestry; physical or mental disability; age; gender/sex (including pregnancy, childbirth, or caregiver status); sexual orientation (an individual's identity, or another's perception thereof, in relation to the gender(s) to which that individual is sexually or emotionally attracted and the behavior or social affiliation that may result from such); gender expression (an individual's way of reflecting and expressing gender to the outside world, typically through appearance, dress, and behavior); gender identity (an individual's innate sense of their own gender, which may or may not correspond with the sex assigned at birth); marital or military status; religion; political affiliation; or any other basis protected by federal, state, or local law or regulation.

Investigatory Stop – Police Initiated [see CRS §16-3-103(1)]: A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification if available. Officers have the right to ask the following:

- Name
- Address
- If the person is driving a motor vehicle, officers may ask for:
 - Driver license
 - Vehicle registration
 - Proof of insurance

An explanation of the subject's actions (i.e., where they are coming from or going to). The person does not have to reply, but refusal to provide identification is grounds for charging DRMC 38-81 (c) Interference with police authority. The stopping itself will not constitute an arrest.

A peace officer will not require any person who is stopped pursuant to this section to produce or divulge such person's social security number.

At the conclusion of an investigatory stop, the officer must arrest the person (with probable cause) or tell the person that he/she is free to leave and allow them to do so. With the person's consent, officers may still question them.

Investigatory Stop – Searching for Weapons/Frisk [see CRS §16-3-103 (2)]: When a peace officer has stopped a person for questioning (investigatory stop) and reasonably suspects that his/her personal safety requires it, he/she may conduct a limited search, or "FRISK" by patting down the outer clothing for weapons.

If a FRISK reveals what feels like a weapon, he/she may search for and remove it from the clothing. Upon removal of the item, the officer may seize it if it is determined to be:

- A weapon
- Contraband (Possession of any illegal item)
- Stolen goods

If the FRISK reveals an illegal weapon or illegally concealed weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.

Lawful items temporarily seized for safety reasons during the limited search for weapons will be returned to the person, or in the event of arrest/custody or ongoing investigation, will be placed in the Evidence and Property Section.

Probable Cause: An officer reasonably believes that a crime has been or is being committed. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion.

Reasonable Suspicion of Criminal Activity: Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer a particularized and objective basis to believe that there is a reasonable possibility that an individual is involved in a definable criminal enterprise or activity. In determining whether "reasonable suspicion" is present, a law enforcement officer may consider, within the totality of circumstances, the fact that the individual has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement.

(3) POLICY:

- a. The philosophy and practice of the Denver Police Department is to encourage public trust and confidence. Though other relevant factors in combination with race may be appropriate as a means of identifying persons involved in violations or criminal acts, the department's policy is to ensure that race and any prohibited factors are not solely used as the basis for discretionary investigatory stops. In accordance with this policy, the completion of a data card by officers is required when initiating contacts with members of the public, as defined by C.R.S. § 24-31-901(1). Relevant data from these police/citizen contacts will be captured and retained for future analysis, as required by state law.
- b. The policy of the Denver Police Department is to respect every person's:
 1. Right to equal protection under the law;
 2. Right not to be deprived of life, liberty, or property without due process of law;
 3. Right to free speech and freedom of association under the First Amendment of the United States Constitution; and
 4. Right to be free from discrimination or harassment because of actual or perceived race, color, ethnicity, creed, national origin, language, ancestry, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, gender expression, gender identity, marital or military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. Prohibited discrimination and harassment includes engaging in offensive or derogatory written,

verbal, or non-verbal activity based on an individual's membership in any of the protected classes set forth above.

- c. It is also the policy of the Denver Police Department that, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution, all of the following police-initiated actions must be based on a standard of reasonable suspicion or probable cause to believe that a crime has been committed or is about to be committed by the person who is the subject of the detention or stop:

1. All investigative stops, traffic stops and arrests; and
2. All searches (absent consent or a search warrant) of persons and/or property.

In order for officers to support a determination of probable cause or reasonable suspicion for an arrest, investigatory stop or traffic stop, officers must be able to articulate specific facts, circumstances and conclusions that justify the arrest or stop. Officers are required to consider whether the particular suspect could reasonably have been involved in the suspected crime.

Furthermore, officers will not make routine or spontaneous law enforcement decisions (*e.g., ordinary traffic stops, pedestrian stops, other stops or detentions, or decisions to request consent to conduct searches*) based upon to any degree a person's actual or perceived race, color, ethnicity, creed, national origin, language, ancestry, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, gender expression, gender identity, marital or military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation, unless these characteristics, traits, attributes, or statuses are contained in suspect descriptions that have been provided to officers. Profiling or discriminating on the basis of these characteristics, traits, attributes, or statuses is prohibited.

In taking police actions, officers may never rely on generalized stereotypes but may rely only on specific characteristic-based information. In other words, officers may take into account a specific suspect's reported characteristics, traits, attributes, or statuses listed above in the same way they would use specific information regarding height, weight, etc., about specific suspects.

- d. Traffic enforcement and pedestrian contacts are routinely performed by officers. For the motorist or pedestrian who is stopped, this exchange occurs with less frequency and is often perceived as an emotionally upsetting experience. Officers should be aware of this and should strive to make each contact educational, while performing the necessary task in a fair, professional and friendly manner. In doing so, the contacted individual is hopefully left with a clear understanding of why the officer made contact and a better understanding of law enforcement practices.
- e. For information regarding immigration enforcement policy as it relates to the Denver Police Department, see DRMC 28-250, 28-251, 28-252, 28-253 (Public Safety Enforcement Priorities ACT).

(4) STOP DATA COLLECTION:

Officers will collect stop data on all in-person interactions with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. An officer must have a legal basis, as authorized by statute or case law, for making a contact. Data will be collected on such contacts pursuant to state law and to examine the issue of biased policing and to improve community-police relationships.

- a. The officer responsible for the decision to make the contact is required to complete and submit the stop data information at the earliest opportunity following completion of the contact.
1. When internet access is not available, officers will complete a paper version of the data entry template. Upon gaining internet access, officers will at the earliest opportunity transcribe stop data from the paper form and submit it using the electronic template.
- b. All stop data fields must be answered from the perspective of the officer who was responsible for the decision to make the contact.

1. Most stop data fields are formatted with dropdown options. Officers will select the most appropriate selection based on their perception prior to the contact and not from information learned during the contact (e.g., race/ethnicity or age).
 2. The Reason for Contact is a mandatory narrative open-text field. The narrative field should articulate all the facts and/or information relied upon to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a crime.
 3. When officers select "other" as the reason for a pat-down or search, they will provide details within the narrative.
- c. Data collection will be retained in accordance with GRRS 100.080 U (General Records Retention Schedule). Contacts not resulting in charges (including traffic, misdemeanors, and felonies) will be retained for five (5) years. Contacts resulting in charges will be in accordance with the specific violation or crime type as specified in GRRS 100.080 U.

(5) VIOLATIONS:

Failure to complete data collection as required by this policy will result in the following discipline and actions:

- a. First violation in a 12-month period: Oral reprimand, and:
 1. Mandated officer review of entire biased policing policy,
 2. Follow up meeting with supervisor to discuss key points,
 3. Journal entry.
- b. Breaches of the data collection requirements of this policy prior to the date of occurrence of the first violation will not be counted as additional violations.
- c. Second violation in a 12-month period: Written reprimand
- d. Concurrent with the second violation, an in-depth audit of the officer's contacts will be conducted and documented by the Performance Development Unit and will generate a formal Personnel Assessment System (PAS) review. If the audit identifies other potential violations, it may result in an additional investigation, discipline, and/or corrective training.
- e. Third Violation in a 12-month period: 1 fined day
- f. Purposeful, flagrant, or repeated violations will result in more severe disciplinary action. At any time during review, if deemed necessary, violations can be removed from the scheduled discipline above and transitioned to a formal investigation governed by the discipline matrix.

(6) BUSINESS CARDS:

- a. Officers will provide, without being asked, a business card to any person whom the officer has detained in a traffic stop (prior to the completion of the detainment or stop), if that person was not issued a traffic summons, written courtesy traffic warning, or arrested (order-in or custodial).
- b. When a reasonable request is made for an officer's name, badge number, or assignment, the officer will provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment.
- c. By statute, the business card must contain the officer's name, badge number, assignment, and the following information:

Positive Comments or Complaints – (720) 913-6665
- d. The department will provide officers with personalized business cards containing the required information, however, should the officer not have a business card in their possession, he/she is to legibly write the aforementioned information on a piece of paper, which will be given to the individual when required by policy. Business cards printed at the officer's personal expense must contain the information required by statute.

118.03 CRIMINAL INTELLIGENCE INFORMATION

(1) PURPOSE:

To establish internal controls and proper oversight for the collection, retention, dissemination, and disposition of criminal intelligence in conformance with the privacy interests and constitutional rights of individuals, groups, associations or other legal entities.

(2) APPLICABILITY:

This section applies to all Denver Police Department criminal intelligence systems, whether or not they are funded as part of any multi-jurisdictional systems, programs or grants.

The policies and procedures contained in this section are in compliance with all guidelines enumerated in 28 Code of Federal Regulations Part 23, Criminal Intelligence Systems Policies. There are additional provisions, some of which are more restrictive, but none that are in conflict with the federal guidelines. The Denver Police Department will not include, in any criminal intelligence file, information which has been obtained in violation of any applicable Federal, State, local law, or ordinance, the policies of the Denver Police Department, or this section.

Systems that are specifically excluded from the requirements of this section and 28 Code of Federal Regulations Part 23 are:

- Criminal history files
- Street Checks
- Mug shot systems
- Offense and accident report systems
- Criminal investigatory case files

(3) POLICY:

The collection, retention, dissemination, and disposition of criminal intelligence are some of the essential functions of law enforcement public service. All department employees will adhere to guidelines established in this section to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence. Criminal intelligence information will not be collected or retained except as specified in this section.

This policy is based on the careful review and consideration of:

- The guidelines identified in Title 28 Code of Federal Regulations Part 23 - Criminal Intelligence Systems Operating Policies, with policy clarifications provided by the Dept. of Justice - Bureau of Justice Assistance, Office of Justice Programs, and Office of General Counsel.
- The Law Enforcement Intelligence Unit's (LEIU) Criminal Intelligence File Guidelines.

(4) GOALS:

- a. Provide liaison, coordination, and resource assistance in the collection, storage, exchange or dissemination, and analysis of criminal intelligence information in ongoing investigations or prosecution of serious criminal activity.
- b. Provide criminal intelligence information to law enforcement and criminal justice agency personnel on individuals and organizations involved with criminal organizations and enterprises.
- c. Provide analysis of organized crime and criminal enterprises in Colorado. This includes identification and/or projection of major changes in crime trends.

(5) DEFINITIONS:

Intelligence Personnel:

- Intelligence Unit Commanding Officer – lieutenant assigned to the Intelligence Section. The commanding officer is responsible for an annual review of this policy.

- Intelligence Unit Supervisor – Sergeant assigned to the Intelligence Unit within the Intelligence Section.
- Intelligence Unit Detective / Officers – Personnel assigned to the Intelligence Unit either on a permanent or temporary basis
- Intelligence Unit Analyst

Criminal Intelligence: Data that has been processed (collected, evaluated, collated and analyzed), and is to be used in connection with and in furtherance of law enforcement investigative purposes. Intelligence involves data collection from both overt (i.e., information available to the general public) and covert sources. It may include general threat information not necessarily directed at a specific arrest or prosecution. Criminal intelligence data also includes information collected through undercover operations and through photographic, electronic, or other media. All criminal intelligence data will be collected and maintained in a manner consistent with this policy.

Criminal intelligence includes information that relates to an individual, organization, business, or group reasonably suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:

- Narcotic trafficking/manufacturing
- Unlawful gambling
- Loan sharking
- Extortion
- Vice and illegal pornography
- Infiltration of legitimate business for illegitimate purposes
- Stolen securities
- Bribery
- Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson
- Manufacturing, use, or possession of explosive devices for illegal purposes
- Threats of violence, or acts of violence against or in connection with, persons or property
- Rioting/engaging to riot, as those terms are defined in CRS §18-9-101(2), CRS §18-9-102, and CRS §18-9-104
- Computer crimes
- Counterfeiting
- Identity theft
- International and/or domestic terrorism, which, for purposes of this section, will be defined as acts dangerous to human life that are a violation of the criminal law and that are intended to influence the policy of a government by intimidation or coercion.
- Any other criminal offense not listed above which is not directly related to purely expressive behavior and is consistent with the purpose and intent of this policy.

Criminal Intelligence Files: Criminal intelligence information that has been collected, processed, retained in a criminal intelligence information file, and that may be shared within the law enforcement community. Criminal intelligence files include information regarding:

Individuals who:

- Are reasonably suspected of being involved in the planning, organizing, financing, or commission of criminal activity, as identified above, or

- Are reasonably suspected of being involved in criminal activities with known or suspected criminal organizations

Organizations, businesses, and groups that:

- Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as identified above;
- Are reasonably suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected criminal organizations, or
- Use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence, or further their organizational goals

Criminal Organization: As used in this section, consists of a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity, as identified above.

Non-Criminal Identifying Information (NCI): The names of individuals, organizations, groups, or businesses that are not suspected of criminal involvement, but whose identification is relevant to a criminal investigation. Examples of NCI would be:

- A member of a gang (known for narcotics trafficking) is arrested for narcotics violations while driving a car registered to his father (who is not suspected of involvement in the gang or narcotic activity). The name of the gang member and the name of the gang may be entered in the database. The father can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.
- Surveillance on a criminal suspect shows the individual entering a place of business that is not suspected of criminal activity. The business can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.

“Purge:” As used in this section, means the complete destruction of a physical file and the permanent deletion from any Intelligence Unit computer files, systems, or databases.

Reasonable Suspicion of Criminal Activity: Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer or criminal investigative agency, officer, investigator, or employee, a particularized and objective basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal enterprise or activity, as identified above. The Intelligence Unit is responsible for establishing the existence of reasonable suspicion of criminal activity through the examination of supporting information submitted, which is subject to routine inspection and audit procedures established by the department. In determining whether “reasonable suspicion” is present, a law enforcement officer or criminal investigator may consider, within the totality of circumstances, the fact that the individual or organization has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement. If “reasonable suspicion” is based, in whole or in part, on information obtained through electronic, video, or audio means, that fact and the existence of such information will be noted in the criminal intelligence file.

Need to Know: The requested information is pertinent and necessary to the requesting agency in initiating, furthering or completing the performance of law enforcement activity.

Right to know: The requestor is acting in an official capacity and has statutory authority to obtain the information being sought.

(6) PROCEDURES FOR MANAGING CRIMINAL INTELLIGENCE FILES:

a. Supervision of Data Entry

All criminal intelligence data will be reviewed by an Intelligence Unit supervisor or commanding officer prior to entry into any criminal intelligence file. The supervisor or commanding officer will determine that the criminal intelligence data conforms to these policies and was not obtained in violation of any applicable Federal, State, local law, or ordinance, department policies, or this

section. Criminal intelligence data will not be placed in any criminal intelligence file unless approved by an Intelligence Unit supervisor or commanding officer. The badge number of the approving supervisor or commanding officer will become part of the file.

b. Information Submission Criteria

1. The department will only collect or maintain criminal intelligence information concerning an individual or organization if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity, and the information is relevant to that criminal conduct or activity. The existence of reasonable suspicion will be based on specific, articulable facts that will be documented in the criminal intelligence file.
2. The department will not collect or maintain information about the political, religious, social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, unless such information directly relates to criminal conduct or activity and there is a reasonable suspicion that the subject of the information is or may be involved in that criminal conduct or activity.
3. Non-Criminal Identifying Information (NCI) - Under the following circumstances, the names of individuals, organizations, groups or businesses that are not suspected of criminal involvement, but that provide relevant descriptive, identifying information regarding the criminal suspect, may be entered as "Non-Criminal Identifying Information." A non-criminal identifying label should state: "*This individual or organization has been entered into the system for identification purposes only -- he, she or it is not suspected of any criminal activity or involvement.*" This label will act as a disclaimer of criminal association and will not be used to meet reasonable suspicion requirements to create a file or record for that individual or organization.

c. Excluded Material - Only lawfully collected information based on a reasonable suspicion of criminal activity and that meets the department's criteria for file input should be stored in the criminal intelligence file. Information specifically excluded from criminal intelligence files includes information on an Individual or group merely on the basis:

1. That such individual or group support unpopular causes
2. Of race, color, ethnicity, creed, national origin, language, ancestry, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, gender expression, gender identity, marital or military status, or any other basis protected by federal, state, or local law or regulation
3. Of religious or political affiliations, or beliefs
4. Of personal habits and/or predilections that do not break any criminal laws or threaten the safety of others
5. Of involvement in expressive activity that takes the form of non-violent civil disobedience that amounts to, at most, a misdemeanor offense

d. File Criteria - All information retained in the criminal intelligence file will meet the criteria prescribed by the department. There are two types of intelligence records: Permanent and Temporary files.

1. Permanent Intelligence Files – Criminal Information may be retained in the permanent intelligence files for up to five (5) years. At that time, criminal information will be automatically purged unless new criminal intelligence has been developed establishing reasonable suspicion that the individual and/or organization continues to be involved in a definable criminal activity or enterprise. When updated criminal intelligence is added into the permanent files on a suspect individual or organization already listed in the database, such entries reset the five-year standard for retention of that file. Permanent intelligence files must be periodically reviewed for compliance with this policy consistent with review

and purge procedures, identified below.

2. Temporary Intelligence Files - Criminal Information may also be entered into temporary criminal intelligence files when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon “unreliable” or “unknown” sources, or where the content validity of the information is “doubtful” or “cannot be judged.” All temporary intelligence files will be specifically designated as such and must be reviewed by a supervisor every sixty (60) days for validity. This interim review must be documented in the temporary intelligence file. Temporary intelligence files will be retained no longer than one year. At that time, temporary files must be either purged or converted into permanent intelligence files. All temporary intelligence files will be kept electronically separate from the general database. All temporary hard copy intelligence files will also be physically separated from the permanent files.
 3. Working Files – Intelligence Unit detectives may create a working file for information received that has not yet met the reasonable suspicion requirement and/or is either ambiguous or incomplete, or may have been obtained from unknown sources (e.g., anonymous tips), or the content validity of which cannot be judged. A working file will be opened for up to thirty (30) days to either develop reasonable suspicion or unfound the information. One thirty (30) day extension may be granted by the Intelligence Unit supervisor in extenuating circumstances. This information will not be stored in the Intelligence database until it has met the reasonable suspicion requirement. If it does not meet this requirement, it will be purged immediately.
- e. Information Classification

Information to be retained in the files of the department must be labeled for source reliability and content validity prior to entry or submission. Circulating information that has not been evaluated, where the source reliability is poor or the content validity is doubtful, is detrimental to the department’s operations and is contrary to the individual’s right to privacy. The classification of criminal intelligence information is subject to continual change, the passage of time, the conclusion of investigations, and other factors that may affect the security classification or dissemination criteria assigned to particular documents.

Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher degree or lesser degree of document security is required and to ensure that information is released only when and if appropriate.

1. Source Reliability – The reliability of the source is an index of the consistency of the information the source provides and will be evaluated according to the following:
 - RELIABLE – The reliability of the source is unquestioned or has been tested in the past
 - USUALLY RELIABLE – The reliability of the source can usually be relied upon. The majority of the information provided in the past has proved to be reliable
 - UNRELIABLE – The reliability of the sources has been sporadic in the past
 - UNKNOWN – The reliability of the source cannot be judged; either experience or investigation has not yet determined authenticity or trustworthiness
2. Content Validity – The validity of information is an index of the accuracy or truthfulness of the information and will be assessed as follows:
 - CONFIRMED – The information has been corroborated by an investigating officer or another reliable independent source
 - PROBABLE – The information is consistent with past accounts
 - DOUBTFUL – The information is inconsistent with past accounts

- CANNOT BE JUDGED – The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation
- 3. Sensitivity – The sensitivity of the information will be classified according to the following standards:
 - COMMAND – Information that requires the strictest of dissemination and release criteria, such as corruption.
 - SENSITIVE – Information, including, but not limited to; active police investigations, informant identification information, corruption, and those reports which require strict dissemination and release criteria
 - LAW ENFORCEMENT SENSITIVE – Information obtained through intelligence channels, is not classified as sensitive and is for law enforcement use only. Restricted information may include previously classified sensitive information for which the need for a high level of security no longer exists
 - PUBLIC – Information that is approved for public dissemination. This includes arrest/criminal record information and other information contained in records of official actions

(7) INFORMATION DISSEMINATION:

- a. Intelligence Unit officers will disseminate criminal intelligence information only where there is a **need to know** and a **right to know** the information in the performance of a law enforcement activity.
 - 1. Except as noted in paragraph (2) of this section, officers will disseminate criminal intelligence information only to law enforcement authorities who agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with these principles.
 - 2. Paragraph (1) of this section will not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger to life or property.
- b. Criminal intelligence information may only be shared with other law enforcement agencies with the express written approval of the Intelligence Unit commanding officer. The release of this information will be based on a need to know and/or right to know basis, and only to agencies whose Intelligence Systems are 28CFR Part 23 Compliant. The facts establishing the requestor's need to know and right to know will be documented in the criminal intelligence file. The agency and/or officer requesting the information, the supervisor or command officer approving the sharing, the law enforcement purpose for the request, the date of the request, and the date of the provision of the information will all be noted in the file.
 - 1. In maintaining criminal intelligence information, the department will ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to ensure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information and the date of each dissemination outside the section will be kept. Information will be labeled to indicate levels of sensitivity, levels of confidence, and the identity of requesting agencies and control officials. The officer releasing information will document in the criminal intelligence file the existence of an inquirer's need to know and right to know the information being requested, either through inquiry or by delegation of this responsibility to a properly trained participating agency, which information release is subject to routine inspection and audit procedures established by the Intelligence Section.
 - 2. Criminal intelligence information will only be shared with other members of the

department on a need to know basis. The officer requesting the information and the justification for the request will be noted in the file.

- c. Intelligence Unit personnel will not release any original intelligence documents. Whenever information from a criminal intelligence file is disclosed, in any form, either orally, in writing, or through inspection of files, the Intelligence Unit must comply with the requirements set forth in section 7(b).
- d. Intelligence Unit information will be released according to the following classification and release authority levels:
 - 1. **COMMAND** – This information may only be released with the permission of the Chief of Police or his/her designee to law enforcement agencies that have a demonstrated need to know and right to know.
 - 2. **SENSITIVE** - Information in this class may only be released with permission of the Intelligence Unit commanding officer to law enforcement agencies that have a demonstrated right to know and need to know
 - 3. **LAW ENFORCEMENT SENSITIVE** – Law Enforcement Sensitive information may be released by Intelligence Unit personnel to law enforcement agencies that have a demonstrated right to know and need to know
 - 4. **PUBLIC** - Any Intelligence Unit personnel may release this information to a Denver Police Department officer or other law enforcement agency. The Executive Director of Safety is the official records custodian and he/she must approve the release of information to the public or media

(8) SECURITY OF FILES:

- a. Criminal intelligence files will be physically secured in locked cabinets or in electronic files that are equipped with security protection measures. These files and databases will be secured during off-hours and when the office is vacant.
- b. Key access to the Intelligence Unit will only be granted to assigned unit personnel.
- c. Locks, combinations, and system passwords will be changed upon the transfer of any unit personnel.
- d. Intelligence Unit personnel will adopt a “clean desk” policy to include the removal of sensitive documents from view when not in use. The orientation of computer monitors will be such as to preclude casual observation by visitors and officers assigned to the unit will exercise control when engaging in sensitive conversations.

(9) REVIEW AND PURGE PROCEDURES:

- a. Reviewing and purging of all information that is contained in the department criminal intelligence files and kept under paragraph 6 above will be done on an ongoing basis, but, at a minimum, will be accomplished annually. The dates when reviews occurred will be noted in the criminal intelligence file. The maximum retention period is five years, and a criminal intelligence file must be purged after five (5) years unless the information in that criminal intelligence file has been updated consistent with this section. The department may update the criminal intelligence file and extend the retention period at any time, based on reasonable suspicion of new or continuing criminal activity documented in the criminal intelligence file.
- b. The decision to purge information should be guided by the following considerations:
 - 1. Whether or not the information in the criminal intelligence file continues to comply with the reasonable suspicion of criminal activity definition
 - 2. Defined retention periods for permanent and temporary files
 - 3. Specific credible threats to government officials and/or law enforcement officers
- c. Any information that is found to be collected or retained in violation of this section or found to be

inaccurate, misleading, or obsolete, will be purged. Any recipient agencies or department members will be advised of such changes and that the subject information has been purged.

(10) TRAINING:

- a. The Intelligence Unit commanding officer and any bureau, division, district, section, or unit with responsibility to gather criminal intelligence information will ensure that all officers assigned to the bureau, division, district, section or unit have received training regarding this section. Training will be documented in the officer's training records. In addition, these officers will receive annual training regarding this section, to include any recent court decisions and best practices regarding criminal intelligence information.
- b. An outline of the training will be kept on file in the Intelligence Unit and the Training Section.

(11) INDEPENDENT OVERSIGHT:

- a. Implementation of this policy will be subject to an audit by an independent agency. This audit will review data collection, categorization, maintenance, dissemination, and Intelligence Unit practices, as well as training procedures, to verify compliance with established rules and policies.
 - b. The individual who conducts the audit for the independent agency will be familiar with these policies and procedures, and the policies and procedures set forth in paragraph (3) above. The individual who conducts the audit for the independent agency will have access to all Intelligence Unit files and data necessary to perform the audit function, and will be provided with the financial resources necessary to complete the audit and report. The audit will be conducted on a quarterly basis for the first year, on a semi-annual basis for the second and third years, and annually thereafter.
 - c. The individual who conducts the audit will prepare a written report, which will be provided to the Intelligence Unit commanding officer, the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor.
 - d. The Intelligence Unit commanding officer will prepare a written response to the audit report within ten (10) days of receipt and copies of that response will be provided to the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor. The Office of the Independent Monitor will have the right to submit to the Mayor its comments regarding the audit report and the Intelligence Unit's response within ten (10) days after receipt of the Intelligence Unit's response.
 - e. Any conflict between the findings in the audit report and the response prepared by the Intelligence Unit commanding officer will be resolved by the Mayor.
 - f. In the event the audit report determines that a criminal intelligence file was improperly opened in violation of section (6), and that finding is sustained by the Mayor, the Intelligence Unit will notify in writing the subject of that criminal intelligence file that a file was improperly opened and will be purged. Upon request, the subject will be provided with a copy of his/her criminal intelligence file, with necessary redactions to protect the privacy of third-parties and the safety of law enforcement officers.
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122.02 EXTREME RISK PROTECTION ORDERS

(1) PURPOSE:

This policy is designed to provide department personnel with directions and procedures for the petition, service, and enforcement of Extreme Risk Protection Orders. The Denver Police Department (DPD) believes that T/ERPOs can significantly reduce the risk of suicide, and harm to victims, the community, and law enforcement, and it is committed to enforcing extreme risk protection orders.

(2) DEFINITIONS:

Antique/Curio or Relic Firearm: Any antique firearm, as defined in 18 U.S.C. §921 (a) (16), or any curio or relic firearm, as defined in 27 C.F.R. §478.11.

Concealed Carry Permit: Any carrying concealed weapon permit (CCW) issued per CRS §18-12-203 or any concealed handgun permit (CHP) recognized through reciprocity, as defined in CRS §18-12-213.

Extreme Risk Protection Order (T/ERPO): Either a temporary or a continuing order granted pursuant to Article 14.5 of Title 13 of the Colorado Revised Statutes. For the purposes of this policy, when referring to both a temporary and continuing order, the term “T/ERPO” may be used. “TERPO” refers to only a temporary order. “ERPO” refers to a continuing order.

Family or Household Member: Means, with respect to the respondent, any:

- Person related by blood, marriage, or adoption to the respondent;
- Person who has a child in common with the respondent, regardless of whether such person has been married to the respondent or has lived together with the respondent at any time;
- Person who regularly resides or regularly resided with the respondent within the last six months;
- Domestic partner of the respondent;
- Person who has a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren and grandparents and grandchildren;
- Person who is acting or has acted as the respondent’s legal guardian; and
- A person in any other relationship described in CRS §18-6-800.3(2) with the respondent.

Federally Licensed Firearms Dealer: Any individual or entity who lawfully possesses a federal license to sell/transfer firearms pursuant to 18 U.S.C. §923.

Firearm: Any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges as described in CRS §18-1-901(3)(h). For the purposes of this policy, ammunition and magazines are not considered a “firearm” and should not to be seized.

Petitioner: The person or entity who petitions for an Extreme Risk Protection Order pursuant to Article 14.5 of Title 13 of the Colorado Revised Statutes. A petitioner may be a family or household member of the respondent or a law enforcement officer or agency.

Respondent: The person who is identified as the respondent in a T/ERPO petition.

(3) T/ERPO PETITION:

A T/ERPO petition may be initiated by a family or household member of the respondent or a law enforcement officer or agency.

a. Law Enforcement Petition

1. If an officer has a reasonable belief that an individual poses a significant risk of causing personal injury to self or others in the near future by controlling, owning, purchasing, possessing, receiving, or otherwise having custody or control of a firearm, the officer will consult a Domestic Violence Unit sergeant. After consultation with an attorney from the City Attorney’s Office Mental Health Unit, if a T/ERPO petition is deemed appropriate, the

Domestic Violence Unit sergeant will assign a Domestic Violence Prevention detective to prepare the Search Warrant Affidavit (DPD 370) and Search Warrant (DPD 371).

- If it is determined that a T/ERPO will be requested, the officer on scene may also ask the individual whether he or she is willing to voluntarily surrender his or her firearm(s) to DPD, along with any conceal carry permit. However, the individual is not required to do so without an order issued by the court.

NOTE: A request for a Civil T/ERPO is separate and distinct from an investigation of criminal activity and does not affect the ability of an officer to remove a firearm or concealed carry permit from a person or conduct a search and seizure of a firearm pursuant to other lawful authority.

2. If a firearm or firearms and any concealed carry permit are voluntarily surrendered at the scene, in addition to taking custody of the firearm(s) and concealed carry permit, the officer will complete an Extreme Risk Protection Order Inventory and Receipt (DPD 802b) and ensure that the individual receives a copy prior to leaving the scene.
3. T/ERPO – If a temporary extreme risk protection order will be requested, a Domestic Violence Prevention detective will prepare an affidavit establishing the grounds for the petition or the reasons for believing such grounds exist, which must include the following:
 - The facts demonstrating that the respondent poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm, including the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent; and
 - The number, types, and locations of any firearm(s) believed to currently be in the custody of, owned, possessed, or controlled by the respondent and the basis for the belief.

When investigating the circumstances surrounding the T/ERPO petition, DPD personnel should also determine the following:

- Whether the respondent is required to possess, carry, or use a firearm as a condition of the respondent's employment; and
 - Whether there is a known existing domestic abuse protective order governing the respondent.
4. A Search Warrant Affidavit (DPD 370) and Search Warrant (DPD 371) must be prepared in compliance with CRS §16-3-301.5 and §16-3-303. The affiant will provide facts sufficient to:
 - Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - Establish by probable cause that the person named in the warrant is a respondent in an extreme risk protection order filed pursuant to Article 14.5 of Title 13 of the Colorado Revised Statutes;
 - Establish by probable cause that the respondent is in possession of one or more firearms and identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 - Identify the location of such firearm(s); and

- Include other information relied upon by the affiant and why the affiant considers such information credible and reliable.
5. If a TERPO is issued by the Denver Probate court based upon a law enforcement petition, the police department must make a good-faith effort to provide notice of the order and a copy of the court's resource list to a family or household member of the respondent and any known third-party who may be at direct risk of violence. All efforts to provide notice will be documented in Versadex.

b. Petitions by Family or Household Members of the Respondent

A family or household member who wants to request a T/ERPO should be directed to a Colorado district or county court in the jurisdiction in which the respondent resides.

If a member of the public petitions for a T/ERPO in the City & County of Denver, the Denver Probate Court will notify the Domestic Violence Unit sergeant by telephone and email. Upon receiving such notification, the Domestic Violence Unit sergeant will:

1. Immediately notify the City Attorney's Office Mental Health Unit by sending a copy of the petition to: CAO_ERPO@denvergov.org.
2. If the respondent resides within the City & County of Denver, assign the court case to a Domestic Violence Prevention detective. If the respondent does not reside within the City & County of Denver, the detective should contact the City Attorney's Office Mental Health Unit for assistance. The assigned detective and any other necessary department personnel will attend the T/ERPO hearing with an attorney from the City Attorney's Office Mental Health Unit. If the T/ERPO is granted, the detective will prepare a Search Warrant Affidavit (DPD 370) and Search Warrant (DPD 371) in the same manner as detailed above in Section (3) a. 4.
3. If the T/ERPO is not granted, the assigned Domestic Violence Prevention detective will consult with his/her supervisor and the City Attorney's Office Mental Health Unit and coordinate appropriate follow-up actions.

(4) **SERVICE:**

If a court notifies the police department of a T/ERPO issued by the court and the respondent resides within the City and County of Denver, the following procedures will apply.

- a. In addition to the T/ERPO, if the court also ordered a mental health evaluation of the respondent under CRS §27-65-106(6) or an emergency commitment under CRS §27-81-11 or §27-82-107, a Domestic Violence Prevention detective should contact the Denver Sheriff Department at DSD-ERPO@denvergov.org to coordinate any necessary assistance with transporting the respondent.
- b. Upon receipt of a **Temporary Extreme Risk Protection Order** issued by the court, a Domestic Violence Prevention detective will:
 1. Coordinate with his or her supervisor to determine the appropriate steps for execution of the search warrant, in compliance with OMS 107.01.
 2. Prepare a service packet, which must include:
 - A copy of the TERPO issued by the court;
 - A copy of the notice of hearing;
 - A copy of the petition;
 - The resource list provided by the court; and
 - A copy of the search warrant.
 3. Serve the service packet within five (5) days of receiving the TERPO; however, due to the emergency nature of the order, service should occur as soon as practicable, with

consideration for the safe planning and execution of the order and search warrant. Service of a TERPO takes precedent over the service of other documents, unless the other documents are of a similar emergency nature. Proof of service must be completed and submitted to the City Attorney's Office Mental Health Unit for filing with the court. All efforts to provide service should be documented in Versadex.

- If the respondent is eighteen years of age or older, service may be made on the respondent personally, or by leaving a copy where the respondent resides with a person eighteen years of age or older who is a member of the respondent's family. If the respondent is under the age of eighteen, contact the City Attorney's Office Mental Health Unit for guidance regarding service.
 - If the police department is unable to serve the respondent within five (5) days, department personnel should notify the petitioner (if the ERPO was based upon a non-law enforcement petition) and seek additional information about the whereabouts of the respondent.
 - The police department will also notify the City Attorney's Office Mental Health Unit at CAO_ERPO@denvergov.org to enable the City Attorney's Office to seek additional time for service and execution of the search warrant from the Denver Probate Court. Regardless of any extension permitted by the court, all search warrants must be executed within fourteen (14) days after the TERPO is issued pursuant to CRS §16-3-305.
4. Department personnel serving the TERPO order, including a TERPO in which the Petitioner was not a law enforcement agency or officer, will request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed carry permit issued to the respondent. If a search warrant was obtained, department personnel will also execute the search warrant in the same manner as any other search warrant in accordance with OMS 107.01. A Return and Inventory (DPD 373) must be completed in all instances following a search, even if no firearm or concealed carry permit is surrendered or located. If no firearms or concealed carry permit are surrendered or recovered as part of a search, a statement to that effect should be noted on the Return and Inventory. Department personnel must also complete an Extreme Risk Protection Order Inventory and Receipt (DPD 802b) if any firearm(s) or a concealed carry permit are surrendered or located in the search. A copy of the completed Return and Inventory (DPD 373) and Inventory and Receipt (DPD 802b) will be left with the respondent or other individual over the age of eighteen accepting service of the TERPO. The originals should be sent to the City Attorney's Office Mental Health Unit for filing with the court and scanned into Versadex.
5. Procedures regarding the storage and disposition of firearms and concealed carry permits are detailed below under Section (5).
- c. Upon receipt of an **Extreme Risk Protection Order** issued by the court, a Domestic Violence Prevention detective will:
1. Personally serve the respondent with a copy of the order within five (5) days of receiving the ERPO from the court, unless the respondent appeared in person before the court.
 - If officers are unable to locate the respondent for service within five (5) days, officers must make a good faith effort to notify the petitioner (if the ERPO was based upon a petition filed by a family or household member of the respondent) and seek additional information about the respondent's whereabouts. Officers will also notify the City Attorney's Office Mental Health Unit at CAO_ERPO@denvergov.org to enable the

City Attorney's Office to seek additional time for service of the order from the Denver Probate Court.

2. If the respondent appeared personally at the ERPO hearing, personal service is not required and the respondent must surrender any firearm(s) and concealed weapons permit within twenty-four (24) hours after the hearing.
 - The respondent may surrender any firearm(s) and concealed weapons permit by contacting the DPD Evidence and Property Section at (720) 913-6718 Monday through Saturday between the hours of 8:30 a.m. and 5:00 p.m. to arrange for the delivery and surrender of the firearm(s) and concealed carry permit, if any, to the DPD Headquarters.
 - The officer taking possession of the firearm(s) or concealed carry permit will complete an Extreme Risk Protection Order Inventory and Receipt (DPD 802b) identifying all firearms and any permit that have been surrendered or taken custody of and provide a copy of the Inventory and Receipt to the respondent.
 - Within seventy-two (72) hours after receiving such firearms or concealed carry permit, the officer will provide a copy of the Inventory and Receipt (DPD 802b) to the Denver Probate court and the City Attorney's Office Mental Health Unit.
3. If the respondent appeared personally at the hearing and two full court days have elapsed since the issuance of an ERPO without the respondent filing with the court proof of relinquishment or an attestation that the respondent does not have custody, control or possession of any firearms and does not currently have a concealed weapons permit, the court will notify the DPD Domestic Violence Unit of the respondent's failure to file proof of surrender. Upon receipt of such notice, the DPD Domestic Violence Unit sergeant will notify the City Attorney's Office Mental Health Unit and assign a detective to the matter.
4. Upon receiving such notice from the court, the detective from the DPD Domestic Violence Unit will make a good faith effort to determine whether any evidence exists that the Respondent has failed to relinquish any firearm in the respondent's custody, control, or possession or a concealed carry permit issued to the respondent.
5. If an officer has probable cause to believe that the respondent has failed to surrender all firearms or a concealed carry permit in his or her custody, control, or possession, a Domestic Violence Prevention detective will prepare a Search Warrant Affidavit (DPD 370) and Search Warrant (DPD 371) as detailed under section (3) a. 4. above.
6. Procedures regarding the storage and disposition of firearms and concealed carry permits are detailed below under Section (5).

d. Unsuccessful Service

If the respondent is unable to be served the T/ERPO within 5 days or any additional time period permitted by the court, the City Attorney's Office Mental Health Unit will be notified, who will inform the court of the police department's inability to provide service.

(5) SURRENDER AND STORAGE OF FIREARM(S):

a. Surrender/Seizure

1. Once the firearm is in the possession of the police department, the respondent may elect to:
 - a. Sell or transfer the firearm to a federally licensed firearms dealer; or
 - b. Arrange for storage with the police department; or
 - c. If the firearm is an antique/curio or relic firearm, it may be transferred to a relative (third party) who does not reside with the respondent if it is confirmed through a

criminal history record check that the relative is currently eligible to own or possess a firearm under federal and state law.

2. If the respondent indicates no preference, the firearm(s) will be placed into the Evidence and Property Section per OMS 106.01.
- b. Storage/Disposition
 1. Every firearm surrendered or recovered, including any concealed weapons permit, must be inventoried and submitted to the Evidence and Property Section per OMS 106.01.
 2. When placing items in the Evidence and Property Section that were seized pursuant to the execution of a search warrant, the officer will complete the Return and Inventory (DPD 373) and the Extreme Risk Protection Order Inventory and Receipt (DPD 802b).
 3. If the respondent elects to transfer an antique/curio or relic firearm to a relative, the party taking possession must present a notarized letter from the owner/respondent authorizing release of the firearm to the relative. The relative will also complete any firearm release form required of the Evidence and Property Section to facilitate the transfer. The relative must agree to maintain custody of the firearm(s) and not return the firearm(s) to the respondent or give the respondent access to the firearm(s) until any T/ERPO entered by a court has been terminated. Upon notification and if the firearm is transferred to a relative, the police department will provide notice to the City Attorney's Office Mental Health Unit.
- c. Person Other Than Named Respondent Claims Title to Surrendered Firearm(s)
 1. If a person other than the respondent claims title to any surrendered firearms or firearms taken custody of by the police department, an investigation into the person's claim will be conducted.
 2. If it is determined that the person other than the respondent is the lawful owner of the firearm(s), the firearm(s) will be returned consistent with OMS 106.08 to that person if:
 - The firearm is removed from the respondent's custody, control, or possession, and the lawful owner agrees to store the firearm so that the respondent does not have access to or control of the firearm; and
 - The firearm is not otherwise unlawfully possessed by the lawful owner.
 3. If a firearm is returned to the lawful owner, the police department will provide notice to the City Attorney's Office Mental Health Unit.

(6) TERMINATION/EXPIRATION OF T/ERPO:

- a. The court will notify DPD and the City Attorney's Office of any request from the respondent to terminate the ERPO. At any time within sixty-three (63) days before the expiration of the order, a petitioner, family or household member of the respondent, or the police department may request renewal of the order. Court personnel are responsible for tracking the expiration of orders and should consult with the Domestic Violence Unit sergeant and the City Attorney's Office Mental Health Unit regarding renewal of the order. If it is determined that renewal is appropriate, the City Attorney's Office Mental Health Unit will file a motion with the court and the police department must serve a copy of the motion and notice of hearing in the same manner outlined in Section (4) b. 3. above.
- b. Firearm(s) and/or concealed weapons permit(s) must be returned, if requested by respondent, when an ERPO is not granted (but were seized under the TERPO) and when an ERPO is terminated or expires without renewal, so long as the respondent is eligible to own or possess a firearm under federal and state law. If the police department receives notification from the court that a T/ERPO has expired or terminated, a Domestic Violence Prevention detective must notify

the Evidence and Property Section that the property is eligible for release. The Evidence and Property Section must notify the respondent of the process for return of his or her property pursuant to OMS 106.05. If the respondent requests return of the firearm(s) and/or a concealed weapons permit, the police department must return any such items currently held by DPD within three (3) days of completion of a record check pursuant to CRS §24-33.5-424.

- c. Any firearm surrendered by the respondent or seized by the police department that remains unclaimed by the respondent or lawful owner for at least one year from the date the temporary or continuing order expired, whichever is later, becomes the property of the police department and will be disposed of per forfeiture procedures outlined in OMS 106.05 (2). Documentation of the disposition must be submitted to the respondent and the courts and be maintained by the Evidence and Property Section.
- d. The police department must promptly remove the order from any computer-based system the order was entered into upon notice from the court of the T/ERPO termination/expiration.

(7) OUT OF COUNTY PROCEDURES:

- a. The Denver Police Department will only petition for and serve a T/ERPO within the City & County of Denver. If a T/ERPO originating in the City & County of Denver includes a search warrant for property located outside of the jurisdiction, the police department will contact the local law enforcement agency to coordinate execution of the search warrant.
- b. Any TERPO or search warrant issued by a court outside the City & County of Denver involving a respondent who resides in the City & County of Denver or has firearms within the City & County of Denver should be referred to the Domestic Violence Unit at DPDERPO@denvergov.org.

122.03 CIVIL STANDBY FOR THE RECOVERY OF PERSONAL PROPERTY

(1) ON PUBLIC AND PRIVATE PROPERTY:

- a. Legal Authority

The recovery of a citizen's personal property in the possession of another is a civil matter between the two parties. The only legal authority of the police department is to prevent a breach of the peace unless criminal activity is present.

- b. Preliminary Procedures

When a citizen requests officers to assist in recovering personal property, officers will clear the party to determine if they are subject to a protection order that prohibits them from being at the location or in contact with the person in possession of the property.

1. If a protection order is in effect, officers will check CCIC for notes that list the terms of when undisputed personal property may be obtained. The CCIC information will include specific date(s) and times allowing one civil standby.
 - If the protection order does not contain this information, officers will not conduct the civil standby and the citizen will be advised that he/she may request that the issuing court modify the order with language to allow for a civil standby.
 - Regardless of the jurisdiction that issued the protection order, officers will not conduct a civil standby unless the order specifically allows it.
2. If a protection order is in effect, officers will check the premise history for the address and ensure that the single (one) allowed civil standby has not already been carried out. The citizen will be advised to contact the issuing court if an additional standby is desired.

3. Officers can call the Denver County Court Warrant Line at 720-337-0464 (seven days a week from 0430-0030 hours) with questions regarding protection orders issued by Denver courts for language and validity.
 4. If the civil standby is allowed per the court or if there is no protection order in effect, officers should escort the citizen to the location and stand by while the citizen makes his/her request. If the person in possession of the property refuses to release it, officers should escort the complainant away from the location and advise the person that he/she may initiate further civil action at their discretion.
- c. Documentation
- If the person in possession of the property agrees to its release, the officers should stand by for a reasonable time while a reasonable amount of property is removed. Officers must remain neutral in these situations and are not to actively participate in the recovery. With all requests for a civil standby, officers will make the appropriate call notes and complete a street check.
1. Civil standby completed:
 - Call notes
Include the OCA number of the protection order (if applicable), any address involved, and the names of any persons present during the civil standby.
 - Street check
Identify the person requesting the civil standby. The text portion will document the OCA number of the protection order (if applicable), all actions taken, all addresses checked, the names of any persons present at any address checked, and any other relevant information related to the civil standby.
 2. Civil standby not completed:
 - Call notes
Include the OCA number of the protection order (if applicable), the reason a civil standby was not completed, and the action taken by the officer (e.g., party advised that he/she may return to court to request modification of protection order, etc.).
 - Street check
Identify the person requesting the civil standby. The street check will document that the civil standby was requested but not completed. The text portion will be used to document the OCA number of the protection order (if applicable), the reason the civil standby was not completed and all actions taken by the officer.
- d. Property will not be removed without the presence and permission of the person having authority and control over the location where the items are stored.

(2) LANDLORD/TENANT DISPUTES:

In cases of landlord/tenant disputes where there is sufficient evidence to believe a criminal offense has taken place.

- a. Title the report accurately (i.e., theft, criminal mischief, assault, etc.). There is no such offense as "landlord/tenant".
- b. If the offense is a crime against the property, the owner of the building is the victim.
- c. When a theft is involved, include information about any rental contract and the existence of a signed inventory of the premises in the body of the report. If there was an eviction, include information concerning when and by whom it was made.
- d. Criminal mischief reports require a list of the estimated damages and the name of the qualified person who made the estimate.

- e. The reporting officer should also note the existence of any "damage deposit" or any other kind of deposit which could be considered a damage deposit.

122.04 EVICTIONS

(1) RESPONSIBILITY:

- a. Denver Sheriff Department deputies or other court officers who are charged with executing evictions will do so in accordance with a Writ of Restitution after Judgment (CRS §13-40-122) and their internal department policies.
- b. The Denver Police Department is not responsible for resolving eviction cases since they are civil matter. The function of officers dispatched to a location where an eviction is taking place is to prevent a breach of the peace or to take action against criminal activity.

(2) CONSIDERATIONS:

- a. Evictions will be processed during daylight hours only.
- b. Information regarding household goods placed on public property and/or evicted families without housing facilities will be relayed by responding district police officers to their supervisory or commanding officer.
 - 1. Household goods on public property:
 - The supervisory officer will advise the district officer to give additional observation to the household goods.
 - After seventy-two (72) hours, if there is a complaint about the household goods left on public property, Neighborhood Inspection Services will be notified.
 - 2. Evicted families without housing facilities:
 - When children are members of the evicted family and are in need of shelter, the court officer will coordinate placement with Denver Human Services.



501.01 CHAIN OF COMMAND

(1) AUTHORITY OF SUPERVISORS AND COMMAND OFFICERS:

Department personnel will be required to take direct orders from, and be directly responsible to, one supervisory officer, except as otherwise provided herein.

- a. Orders related to departmental policy or procedure will emanate from the Chief of Police and will be directed to the level of execution through bureaus and then by succession of the several levels of rank in each division as they are applicable, in such a way that department personnel will receive such orders or directives from their immediate supervisor.
- b. Any such occurrence requiring departure from an order, or any part thereof, will be reported at once to the commanding officer on-duty next in the chain of command.
- c. Supervisory direction from outside an officer's regular chain of command is detailed in Duty and Responsibility 4.05.

(2) RANKING OFFICER AT CRIME SCENES AND OTHER INCIDENTS:

Ranking officers will:

- a. Return to service all personnel not needed at the scene.
- b. Assume command of the scene investigation and immediate area until relieved by higher authority or as determined by policy.
- c. Direct all uniformed and investigative personnel, including supervisors, so that their efforts and skills can be fully utilized. Investigative or specialized personnel may oversee the immediate crime scene or area as determined by policy.
- d. When appropriate and prior to his/her arrival, review progress of the investigation/response and ensure all phases are properly addressed and documented.
- e. In cases of homicide or other serious felonies, will cause the commanding officer of their assignment and the affected investigative division, section, or unit to be notified. See OMS 301.15.
- f. Determine if a crime scene is to be protected after completion of the original investigation, and make the necessary arrangement of uniformed personnel if needed.
- g. When appropriate and reasonable, the district commander will take charge of all such actions in their district, when available. Upon arrival of the district commander, he/she will be the incident commander unless relieved by higher authority, or this responsibility is delegated; however, the immediate scene or area may be under the command of a lower ranking officer as determined by policy.

(3) SUGGESTIONS FOR THE IMPROVEMENT OF SERVICE:

Department personnel who wish to make suggestions for the improvement of service may communicate in writing through official channels to the:

- a. Department personnel's supervisor / commander / director
- b. Planning, Research and Support Section (dpdplanning@denvergov.org)
- c. Chief of Police

(4) OPERATIONS MANUAL CORRECTIONS - MINOR:

Department personnel may notify the Planning, Research and Support Section of minor errors (e.g., spelling, punctuation, unit designations, etc.) at dpdplanning@denvergov.org. Requests for changes to

procedures or policy will be handled per section (3).

(5) REQUESTS, COMPLAINTS, SUGGESTIONS, IRREGULARITIES – CHANNELS:

All requests, complaints, suggestions, or reports of occurrences of irregularities regarding policies, procedures, or assignments of the police department will be directed through channels as follows:

- a. Department personnel will direct all requests, complaints, reports, or suggestions to their immediate supervisor in writing. A DPD 200 will be used for such communication unless prepared forms are provided, and may be submitted in person or by email to the appropriate person / entity.
 1. **EXCEPTIONS:** If the complaint is against the officer's immediate supervisor, the officer may direct the initial communication to the officer next higher in rank within the division.
 2. Any officer or employee of this department who feels threatened in any manner, or feels that the integrity of the department is in jeopardy, is authorized to report this situation directly to the Chief of Police or to the commanding officer of the Internal Affairs Division without reporting first to his/her supervisory officer.
 3. All department personnel receiving such communications from a subordinate will respond accordingly as soon as practical.
- b. Department personnel receiving a reply from their immediate supervisor in answer to such communication that is not satisfactory, may direct a communication to the officer next higher in rank in their division/district. Such communication will include a copy of the communication to their immediate supervisor and a copy of their reply. This process may be carried as far as the Office of the Executive Director of Safety so long as each succeeding level of command within the division/district has given a reply.
- c. Except as may be otherwise provided by Denver Civil Service regulations or department policy, such communications will not be directed to any office outside the Department of Safety without the written permission of the Chief of Police and the Executive Director of Safety.
- d. Department personnel will be free to seek advice and counsel or obtain the assistance of other officers in the classified service in their presentation of a complaint at any command level, as long as all involved parties in such complaint restrict their activity to the provisions of this chain of command procedure.
 1. In complaints reaching the level of division commander or higher without solution, complaining department personnel may be represented by duly authorized members of the Denver Police Protective Association or by private legal counsel.
 2. Any officer in the classified service who so assists another officer in the presentation of any complaint will not be penalized or prejudiced in any manner because of such presentation.

(6) TRAINING BULLETIN REQUESTS:

Requests for publication of training bulletins will be processed as follows:

- a. The requesting department personnel will submit the proposed training bulletin through the chain of command to the applicable deputy chief for review. The deputy chief will approve or deny the request, or direct that revisions be made prior to its publication.
 - b. Upon approval, the deputy chief will forward the training bulletin to the Planning, Research and Support Section for publication.
 - c. The Planning, Research and Support Section will review the training bulletin for spelling, grammar, formatting, etc., and make such revision as may be necessary. The training bulletin will then be published through PowerDMS for review and acknowledgement by designated personnel.
-

(7) PROPOSED LAW CHANGES AND LEGAL OPINIONS:

All matters related to proposed resolutions, new ordinance initiation or current ordinance amendment must be processed through the chain of command to the Executive Director of Safety's Office prior to being considered for the mayor-council or city council agenda. Additionally, requests for legal research, opinion or drafting of such matters will be forwarded to the Denver City Attorney's Office only after being processed through the chain of command and via the Executive Director of Safety's Office.

The Chief of Police may authorize designated personnel to confer with the Denver City Attorney's Office for legal opinions and policy/procedure development.

(8) LOBBYING:

Only the Chief of Police (or designee) may engage in lobbying reflecting the official position of the Denver Police Department at the city council or the state legislature. Any officer desiring to take part in the lobbying process will contact, in writing, the Deputy Chief of Administration through the chain of command. This will also include any testimony at either city council or the state legislature.

(9) REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS:

Representatives of employee organizations, when conducting organization business, are not restricted by the chain of command of their respective assignments.

501.02 ALLOTMENT AND ASSIGNMENT OF PERSONNEL

(1) RESPONSIBILITY:

District stations have the basic responsibility of providing efficient and complete patrol service twenty-four (24) hours a day, every day, as well as designated investigative functions. This must be a paramount consideration of commanders and is their basic responsibility that the public receive high quality and efficient service and protection.

- a. Days off, vacation, sick leave, and other absences (when possible) will be planned and calculated to operate with effective staffing levels. Emergencies and/or extenuating circumstances may impact staffing levels.
- b. Days off, vacation, sick leave, and other absences (when possible) will be planned and computed to efficiently operate under established staffing requirements. Emergencies and/or extenuating circumstances may impact staffing levels.
- c. When possible and appropriate, supervisors may accommodate scheduling requests for training and higher education.
- d. At all times, supervisory officers will be present during shift changes barring an emergency or if assigned to a call for service.

(2) SPOUSAL CONSIDERATIONS:

Officers who are married to each other will be allowed to work the same bureau, division, district, section, unit, or detail, but will not be allowed to work the same assignment as partners.

501.03 PUNCTUALITY

(1) ROLL CALL - UNIFORMED OPERATIONAL ASSIGNMENTS:

- a. Roll calls will be conducted in a professional manner. Commands and execution by the ranks should be in conformance with traditional police procedures.
- b. Personnel inspections should be performed by a command or supervisory officer at least once per work period. All officers will be properly groomed, attired and equipped.
- c. Command and supervisory officers will make daily assignments, read pertinent orders and information, and conduct or arrange for necessary roll call training.

- d. All information read or disseminated at roll call must have prior approval from a supervisor or command officer. The approving officer will make certain that the information is current, valid, and appropriate. The approving officer will then affix his/her initials, serial number, and date approved to the item before placing it on the roll call clipboard. After the item has been presented at roll calls for the appropriate duration, it will be placed in a chronological file at the assignment and retained for one year.

(2) PENALTIES:

- a. Whenever an officer is late, the on-duty supervisor of the officer involved will document the incident as a journal entry in his/her performance evaluation record and indicate whether the lateness is excused or unexcused. The supervisor will inform the officer of the journal entry at the earliest reasonable opportunity.
- b. All incidents of unexcused lateness will, at a minimum, be entered in an officer's performance evaluation. The first such incident of lateness will result in an oral admonition and counseling of the officer as to the potential minimum penalties for repeat violations. Minimum penalty assessments for subsequent sustained violations are as follows:
 - 1. 2nd unexcused violation: oral reprimand.
 - 2. 3rd unexcused violation: written reprimand.
 - 3. 4th unexcused violation: fine of eight (8) hours off.
 - 4. Subsequent unexcused violations will be dealt with more severely.
 - 5. The Chief of Police (or designee) may elect to treat an officer having six (6) unexcused violations within any twelve (12) consecutive months or nine (9) unexcused violations within any three (3) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of this policy and the penalty therefore may be based on an officer's entire attendance history.

501.04 DEPARTMENT MAIL

(1) POLICY:

Command officers (or designees) will ensure that mail will be delivered to the Records Unit (Police Administration Building – room 420) at the proper times:

- a. District Stations:
Mail will be delivered on all days at 0400 and 1800 hours.
- b. Traffic Operations:
Mail will be delivered on all days at 1500 and 2400 hours.
- c. All other assignments will ensure that mail is delivered and received in a timely manner.

501.05 ADDRESS AND TELEPHONE NUMBER

(1) REQUIREMENT:

All department personnel will have a phone available at his/her place of residence.

(2) ADDRESSES IN TELESTAFF:

Department personnel are not authorized to enter or update their address within TeleStaff. To ensure TeleStaff is accurate, department personnel will submit this information to the Safety Human Resources Division within 24-hours of changing their address. Addresses must be regular street addresses; post office box and route numbers are not acceptable

(3) PHONE NUMBERS IN TELESTAFF:

Within 24-hours of obtaining a new telephone number, officers will ensure that TeleStaff reflects the change.

a. Changing and/or Adding Telephone Numbers in TeleStaff

To ensure uniformity, all department personnel will follow the below protocol when making entries in TeleStaff:

1 st contact:	Work assignment desk number
2 nd contact:	Work assignment cellular number
3 rd contact:	Personal cellular number
4 th contact:	Home telephone number

- b. Officer lookup will only display the 1st and 2nd contacts. Personal phone numbers entered in the 3rd and 4th contacts will only be viewed in TeleStaff by approved personnel (the rank of sergeant or higher).
- c. All officers are required to have an off-duty contact phone number in case of emergencies. If an officer does not have a department assigned cell phone, the officer is required to provide at least one personal contact phone number.
- d. CS employees will follow the policy set by their commanding officer or director, and at a minimum, will enter their work assignment desk phone and work assignment cellular phone numbers.

(4) DRIVER LICENSE INFORMATION:

Officers' Colorado Driver License and Colorado Motor Vehicle Registration(s) will state the officer's current residential address or post office box in his/her municipality or county of residence. This is a Colorado Department of Motor Vehicle prerequisite, required by the Colorado Revised Statutes.

501.06 EMERGENCY INFORMATION FILE

(1) CONTACT INFORMATION REQUIREMENT:

Police officers and CS employees are responsible for ensuring that their emergency contact information is complete and accurate at all times and will notify the Safety Human Resource Management Division of changes within 72 hours. Upon notification, the Safety Human Resource Management Division will forward to the officer or CS employee the appropriate forms and instructions.

- a. Officers and CS employees will follow all instructions provided by the Safety Human Resource Management Division regarding form completion and DOT data entry.
- b. Officers will also receive instructions from the Safety Human Resource Management Division regarding notification of Colorado POST.
- c. The Safety Human Resources Management Division will complete data entry using the completed forms. This information will then be available for use by command and supervisory personnel.

501.07 CHANGES IN MARITAL OR FAMILY STATUS AFFECTING MEDICAL BENEFITS:

- (1)** Within thirty (30) days of any changes pertaining to marital or family status which would affect their medical benefits, it is the responsibility of each officer or CS employee to notify the Safety Human Resources Management Division.

501.08 INCURRING EXPENSES IN CONNECTION WITH OFFICIAL DUTIES

(1) POLICY:

Officers who necessarily incur expenses in connection with their official duties, and for which the department is responsible, will promptly submit to the commanding officer under whose immediate direction the expense was incurred, an itemized account of such expenditure together with all required receipt(s).

- a. No petty cash purchases will be made without first receiving authorization from the Police Department Financial Services Section. Requests for petty cash will be made in writing on the Request for Service or Supplies (DPD 201) and submitted to the Financial Services Section. A request must specify the item to be purchased, the cost, and justification (i.e., why the department should be responsible for the purchase). The responsibility for compliance rests with the commanding officer of the bureau, division, section, detail, or unit making the request for a petty cash purchase.

(2) LOSS, DAMAGE, AND/OR REPLACEMENT OF PERSONAL PROPERTY:

- a. In the event of loss or damage to personal property during an official police action, the officer will exhaust all legal means of replacing such personal property. The arrested party will be charged with Destruction of Private Property (DRMC 38-71). The Unified Summons and Complaint should indicate the damage and approximate replacement cost.
- b. Only under extreme circumstances, when every other legal recourse has been exhausted and when the officer can show that the cost of replacement will be more than the department equipment allowance for the current year, will an officer be reimbursed for loss or damage that has occurred to his/her personal property. The final decision for replacement of personal property will be made by the Financial Services Section in consultation with the Chief of Police (or designee).

501.09 PHYSICAL FITNESS

(1) GENERALLY:

In the interest of departmental efficiency and effectiveness, all officers are required to keep themselves in good physical condition. Because the department has no established physical fitness program, the following policies have been established to encourage physical activity.

(2) ATHLETIC TEAMS AND SPORTS PROGRAMS:

- a. Athletic teams and sports programs may be arranged. Department personnel are encouraged to participate; however, participation is strictly voluntary.
 1. As far as possible, officers will attempt to arrange their work schedule to participate in recreational activity during off-duty hours.
 2. At the discretion of his/her commanding officer, an officer may be relieved from duty to participate in an authorized program. Time used in this manner will be returned to the department on the same work day in TeleStaff.
- b. Athletic teams performing under the name of the Denver Police Department must have the approval of the Chief of Police.
 1. Officers participating on an approved athletic team or other group of recreational activity under the name of the Denver Police Department will be considered on-duty and subject to the rulings and discipline of the Chief of Police or other officers delegated to act as coaches or managers.
 2. Officers participating on athletic teams or in other group recreational activity under the name of the Denver Police Department will always conduct themselves appropriately and in the interest of good sportsmanship to exemplify the best possible public relations.

3. Only athletic teams or other group recreational activity sponsored or authorized by the City and County of Denver, the police department, and employee organizations will be considered for approval by the Chief of Police.

(3) ON-DUTY EXERCISE:

The purpose of this policy is to provide guidelines for officers electing to voluntarily exercise on their mealtime (long 7). The Denver Police Department believes in helping officers achieve and maintain a healthy physical condition and thus will allow officers to voluntarily exercise during their mealtime. The benefits of maintaining a consistent exercise routine include:

- Reduced likelihood of physical, mental, and emotional ailments common to law enforcement officers such as, but not limited to; obesity, diabetes, high cholesterol, hypertension, anxiety, depression, and stroke.
- Increased resistance to injury or illnesses, and quicker recovery and healing in times of adversity, stress, and trauma to the mind and body.
- Protection against common neck, back, shoulder and knee injuries, as well as muscle pulls and tear injuries observed in police officers due to their profession.
- Stronger resiliency and ability to manage daily life stressors which, if not integrated properly may cause illness, injury, high absenteeism, citizen complaints, fatigue related issues, eating disorders, lack of critical thinking skills, burnout, and loss of engagement with work.
- Proven positive outlet for stress reduction.

Participation Requirements:

- a. Participation in on-duty mealtime exercise is encouraged but not mandatory.
- b. Officers must weigh the benefits of engaging in an exercise routine against the risk of injury associated with any physical fitness program. On-duty mealtime exercise is elective and any injury incurred because of engaging in an on-duty mealtime exercise will not be covered by The City and County of Denver, including any Workers' Compensation Claims.
- c. Officers engaging in on-duty mealtime exercise must sign a one-time liability Hold Harmless Waiver (available on DPDWeb under Wellness) indemnifying the Denver Police Department from any liability. Waivers must be signed and placed in officers' personnel file at their respective work assignments prior to any on-duty exercise.
- d. All on-duty mealtime exercise must be performed in a police department facility. Officers are not permitted to utilize a commercial or home gym while exercising during their mealtime.
- e. Officers may engage in on-duty mealtime exercise with consideration to the needs of the department as it pertains to call load, staffing, the availability of cover, and timely response. Similar to the policy that pertains to meal breaks; the ability to exercise on-duty is a privilege and not a right and is subject to the approval of a dispatcher or supervisory officer.
- f. Officers who elect to exercise during their mealtime are expected to be available to respond to any emergency (i.e., in full uniform, if required or plainclothes, if applicable) within three (3) minutes.
- g. Officers must be in possession of their department issued radio while performing their exercise routine and will monitor their respective radio traffic to remain aware of call load volume and the potential need to respond to emergencies.
- h. Officers injured while participating in on-duty exercise will report their injuries consistent with the department's current and existing policy and procedures pertaining to non-line of duty related injuries. Officers placed on Limited Duty status due to injuries received while participating in on-duty exercise are prohibited from participating in further on-duty exercise until released to full duty status, unless prescribed in writing by their personal physician and/or physical therapist.

501.10 DETECTIVE, CORPORAL, AND TECHNICIAN SELECTION

(1) REQUIREMENTS:

The positions of detective, corporal and technician are appointed. These appointments are made at the direction of the Chief of Police and will continue only so long as he/she deems them necessary to department operations. NOTE: Selection for detective-positions in the Executive Security Unit and the Internal Affairs Division are exempt from this selection procedure.

a. Minimum eligibility requirements:

1. Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
2. Lateral hires must be a Police Officer 1st Grade and have 36 months of continuous service from their date of graduation from the police academy.

(2) VACANCY ANNOUNCEMENT:

When filling a vacancy, the commanding officer of the affected division/district (or designee) will announce the vacancy and application requirements in the Daily Bulletin for at least two weeks prior to the application deadline. The commanding officer (or designee) will cause the vacancy announcement to be posted in a prominent area, if one is available, within the confines of the division/district. If the announcement is to initiate the process to compile a roster of eligible candidates for future appointment, it should include that information. Division/district commanders will incorporate candidate interviews as part of the selection process.

(3) CANDIDATE APPLICATION PACKET:

Minimum requirements:

- a. Cover letter (one page maximum) and personal résumé (two-page maximum).
- b. Sustained complaint report of the prior five (5) years, obtained from Internal Affairs Division.
- c. Supervisor's situational records and/or performance evaluation reports for the prior three years.

(4) OFFICIAL NOTIFICATION:

At the completion of the interview process, candidates will be notified of the results by the commanding officer of the division/district (or designee). Results will stipulate whether the candidate was acceptable or not acceptable for the position, and whether the candidate will be placed on an eligibility roster.

- a. If the interview process was to compile a roster of eligible candidates for future appointment, it will be posted with candidates listed alphabetically. The eligibility roster must include an expiration date (one year minimum).
- b. Commanders may extend an eligibility roster, with approval of their deputy chief, for a maximum of two years from the completion date of the original interviews.

(6) SELECTION STANDARDS:

Commanders of the Major Crimes Division, Investigative Support Division, Special Operations Division and districts, may establish selection standards for detective training and final appointment within their assignment.

(7) TENURE:

Officers in appointed positions may remain in their assignment so long as their performance and conduct is satisfactory to the Chief of Police.

501.11 SERGEANT ASSIGNMENT SELECTION PROCESS

(1) DIVISION / DISTRICT VACANCIES:

Sergeant vacancies within the following divisions and districts will be announced and posted for a minimum of two weeks in the Daily Bulletin:

- a. Administration Management
- b. District Investigations
- c. Investigative Support
- d. Major Crimes
- e. Operations Support
- f. Special Operations
- g. Specialized Airport Police positions (K-9, investigations, etc.)
- h. Training

(2) BULLETIN ANNOUNCEMENT:

The bulletin announcement will contain the following information:

- a. Requests for letters of interest.
- b. Name of the commander (or designee) to address and forward letters of interest.
- c. Deadline date to submit letters of interest and other required documents.
- d. Additional requirements, if any, specific to the assignment.
- e. The commander (or designee) will initiate contact with the sergeant(s) if further information is required.

(3) DISTRICT PATROL SERGEANTS:

Sergeants requesting assignment to a district station will submit a Request for Transfer of Assignment (DPD 49) through the appropriate chain of command.

(4) EXECUTIVE SECURITY UNIT, INTERNAL AFFAIRS DIVISION, CONDUCT REVIEW DIVISION:

Selection for sergeant vacancies in the Executive Security Unit, the Internal Affairs Division, and the Conduct Review Division are exempt from this procedure.



502.01 POLICY DEVELOPMENT AND REVIEW

(1) **PURPOSE:**

The Denver Police Department's policies serve as the foundation for all operations, are consistent with, and support the mission of the department. The department strives to establish policies that promote professional practices and provide officers with information to act decisively and professionally.

(2) **DEFINITIONS:**

PowerDMS: the agency-approved software program that provides electronic archival, receipting, and distribution of policies and procedures.

Training Bulletin: publication to assist officers in keeping abreast of changes in the law and matters affecting the overall operation of the department, or any component, which requires explanation or clarification.

(3) **AUTHORITY:**

- a. The Chief of Police is the custodian of the department's Operations Manual.
- b. The Planning, Research, and Support Section is responsible for the evaluation and editing of any department policies, either existing or new drafts to ensure the language and content is consistent, accurate, and in alignment with the department's overall mission.

(4) **GENERAL POLICY PROCEDURES:**

- a. The Planning, Research, and Support Section will routinely review existing policies to ensure the integrity and accuracy of the department's Operations Manual. This will include consultation with associated Divisions and Bureaus/Districts.
- b. A policy review committee may be convened as necessary to review department policies and procedures and to provide a diverse perspective on how a policy change may impact various levels of the agency.
- c. Revisions to department policies to include minor revisions or incorrect references (e.g., unit names, contact information, cross-referenced directives) will be made at the discretion of the Strategic Initiatives Bureau Director.

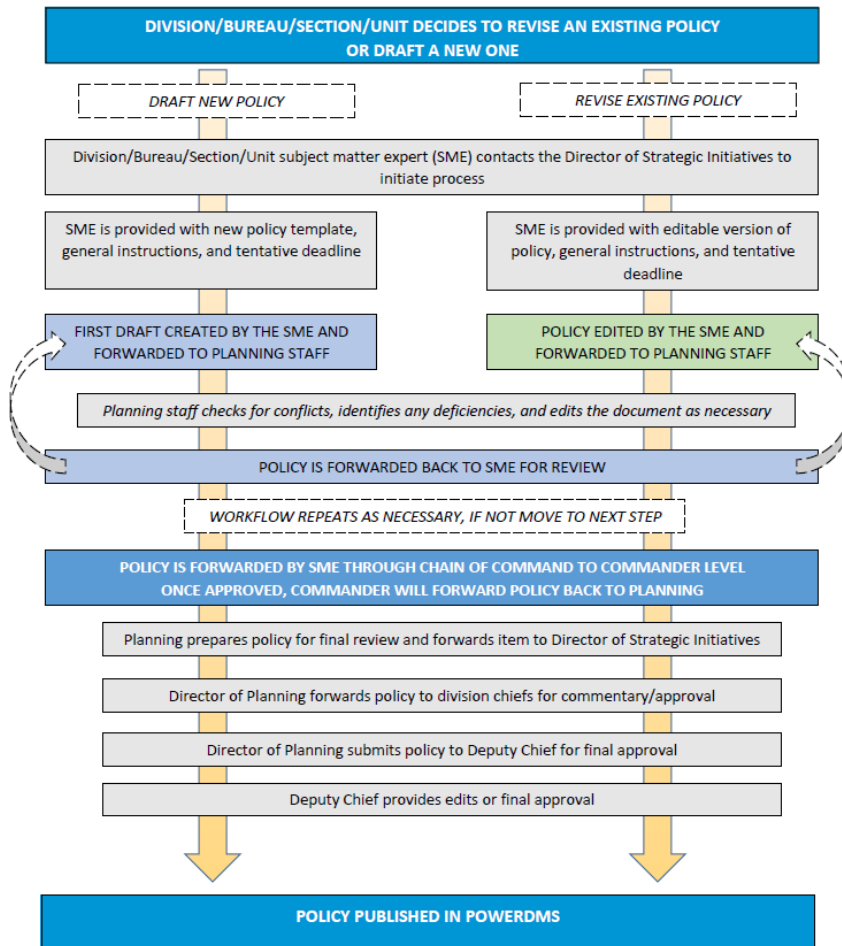
(5) **OPERATIONS MANUAL PROCEDURES:**

Workflow processes are outlined at the end of this section – see (5) d.

- a. Planning, Research, and Support revisions:
 1. The Strategic Initiatives Bureau Director will initiate the policy revision process by requesting input from the impacted division, bureau, unit, or subject matter expert(s) who will forward proposed edits to an assigned point of contact within the Planning Section for review.
 2. The drafting or revising of any department policy may require more than one review between the Planning Section point of contact and the impacted division, bureau, unit, or subject matter expert(s).
 3. Once a draft has been finalized, the Planning Section point of contact will complete any necessary final edits to policy and submit the document to the Strategic Initiatives Bureau Director for review.
 - b. Policy revisions or new submissions initiated by officers or employees:
 1. Any employee may request or suggest amendments to the department's Operations Manual, to include a new policy or revision of an existing policy.
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- 2. Requests or suggestions will be explained in a Policy Change Request (DPD 855) and sent through the chain of command to his/her commander and then forwarded to DPDplanning@denvergov.org. The form will include:
 - a. The new or current policy and identified issue.
 - b. Improvement recommendations.
 - c. The intent of the new submission or change.
 - d. How other policies might be affected, if applicable.
- 3. The Strategic Initiatives Bureau Director will evaluate the request to ensure the proposal is feasible, reasonable, and within the best interest of the department. The Strategic Initiatives Bureau Director may elect to convene a review committee for further review. If identified as necessary, a Planning, Research, and Support Section point of contact may be assigned to work with the requesting member or subject matter expert(s) and the workflow identified in section (5) a. will apply.

d. Workflow:



(6) TRAINING BULLETIN PROCEDURES:

- a. Training bulletins reinforce department policy and provide clarification of various matters affecting department operations.
- b. Training bulletins will have a two-year sunset clause. At the end of the two-year publication period, the bulletin will be reviewed with the original author or other relevant personnel for relevancy, need, and consistency with current department policy. If there is still a demonstrated need for the training bulletin, it will be re-issued, and the two-year expiration will renew.
- c. When a training bulletin no longer complies with policy, the law, or contains out-of-date information it may be archived or an amended bulletin may be issued.
- d. Submission of new or revised bulletins:
 1. Any employee may submit a request to issue a training bulletin.
 2. A draft will be prepared using the Training Bulletin Template (located on the Template Drive) and forwarded to DPDplanning@denvergov.org via the employee's chain of command and approval.
 3. Upon receipt of the draft bulletin, a Planning Section point of contact will be assigned to work with the subject matter expert.
 4. The Planning Section point of contact will perform all necessary final edits and the prepared draft training bulletin will be forwarded to the Strategic Initiatives Bureau Director for review.
 5. After review, the Strategic Initiatives director will seek all necessary final approvals from the executive command staff as needed and as dictated by the individual document.

(7) PUBLICATION:

Department personnel will be provided access to via PowerDMS to new/revised policies and training bulletins.

- a. The Planning, Research, and Support Section will internally announce via email new or revised policies to department members prior to enactment.
 - b. The Planning, Research, and Support Section will publish the updated Operations Manual to include the newly enacted policy on the department's public website.
 - c. Sworn personnel will provide an electronic signature for policies and training bulletins, and will be held responsible for knowing and complying with their content.
 - d. In the event PowerDMS is not operating or otherwise inaccessible, policies are available on the department's public website.
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503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS

(1) POLICY:

The policy of the Denver Police department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the mission, vision and value statements of the department, and find as their chief cornerstones the Law Enforcement Code of Ethics and the rules and regulations of the department. These documents set the foundation for accountability of the department and its members to individuals whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the department has sworn to uphold.

The department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the department and the general public as unbiased and trustworthy. The department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted department policies and procedures. Such investigations must be conducted with full regard for the Officer's Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the department, all complainants and witnesses and all other individuals. The administration of the discipline process will not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State, or local law or regulation. The department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all department personnel who may be the subject of or a witness in an investigation.

The department understands that timeliness in the investigation of misconduct allegations, and when warranted the imposition of discipline, are critical components of the complaint and discipline process. Unnecessary delays may be unfair to the involved officers, community members alleging or harmed by officer misconduct and the department as a whole, and will be avoided to the extent possible. However, issues related to timeliness are not considered mitigating factors, or grounds to decline the imposition of discipline.

The department also recognizes its legal obligations to disclose to prosecuting agencies information that may impact the credibility of officers in criminal prosecutions.

This policy applies only to members of the classified service of the Denver Police Department.

(2) GUIDELINES AND DEFINITIONS:

Subject Officer: The officer under investigation for possible misconduct.

Complaint: An allegation of misconduct.

Service Complaint: A member of the public's complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.

Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:

- **Minor Misconduct:** Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the department and that are not likely to result in a formal disciplinary action against a named employee.
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- **Pattern Misconduct:** A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more concern than that created by infrequent or isolated incidents of complaints or unacceptable conduct.
- **General Misconduct:** All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.
- **Serious Misconduct (including Conduct Prohibited by Law):** Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations will be conducted by the Internal Affairs Bureau. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.

Complaint Intake: The initial fact-finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.

Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines: The official guide adopted by the Executive Director of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The *Discipline Handbook* sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.

Discipline Matrix: The official guide adopted by the Executive Director of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.

Dismissal: The Chief of Police (or designee) may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(5).

Formal Investigation: All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals will be formally investigated. An Internal Affairs Bureau complaint number will be issued for each formal investigation and an official disposition will be handled by the Internal Affairs Bureau, with the exception of scheduled discipline, which will be conducted by the subject officer's chain of command. Nothing will prevent bureau or district level supervisory or command officers from conducting an initial investigation prior to forwarding the issue to the Internal Affairs Bureau for a full investigation per procedures outlined in OMS 503.01.

Informal Investigation: Informal investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant's concerns about the officer's actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.

Investigative Review Process (IRP): The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the Internal Affairs Bureau (IAB) investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigating officer, and the IAB commander with the intent of reaching an agreement as to the material facts of the case.

Deliberative Process: The Office of the Independent Monitor, the Citizen Oversight Board, and the officers and residents who serve on the department's internal review boards such as, Use of Force Review Board, and Tactics Review Board are all part of the city's deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties will be protected by the deliberative process privilege.

Scheduled Discipline: Those rules, regulations, and policies for which violations carry penalties that are defined by a table or schedule. A complete listing of these policies can be found in Appendix F of the Discipline Handbook.

(3) ROLES AND RESPONSIBILITIES:

- a. Individual Officer Responsibility:
 1. All officers of the department will report possible misconduct by other officers to a supervisor, command officer, or the IAB regardless of whether the reporting officer has firsthand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer's supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAB, the Office of the Independent Monitor (OIM) or the Chief of Police.
 2. When any member of the Denver Police department (on or off-duty) is involved in an incident occurring within the City and County of Denver, that requires, or may require police attention, the investigating officer or the involved officer will immediately notify a Denver Police department supervisor, command officer, or IAB. For incidents occurring outside the City and County of Denver, the involved officer may request that the investigating officer make the notification; however, the ultimate responsibility for notification lies with the involved officer.
- b. Mandatory notification requirements apply to the following circumstances:
 1. An off-duty officer exercises police authority that results in an arrest and/or use of force.
 2. **On-duty motor vehicle accidents in the City and County of Denver:**

A supervisor or command officer will be notified immediately when an employee is involved in a traffic accident while on duty, whether or not there is property damage or injury. If the accident occurs within the City and County of Denver, a supervisory or command officer will respond to the scene and determine the appropriate course of action.
 3. **On-duty motor vehicle accidents outside the City and County of Denver:**

A supervisor or command officer will be notified and will make a determination as to whether their response or that of the Internal Affairs Bureau is required based on the criteria outlined in OMS 503.01(4).
 4. **Off-duty motor vehicle accidents in the City and County of Denver:**

When an off duty Denver police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.
 5. Any sworn personnel who becomes aware that he or she is under investigation, or charged with any crime.
 6. An officer is the victim of a crime (crimes against persons' statute or ordinance) and police are notified, or reasonably should have been notified.
 7. An officer is arrested, charged, or convicted of a criminal offense.
 8. An officer is charged with a traffic offense of eight (8) or more points.
 9. An officer's driving privileges are suspended or revoked.
 10. An officer is served with a restraining/protection order issued as a result of alleged domestic violence or criminal activity.

11. Any incident that has the potential for police involvement, or could have a pronounced negative impact on the professional image of the department, and the officer is directly involved.
- c. Officers will cooperate in a department investigation and will answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAB investigating officer. Officers will answer all questions fully and truthfully and will not omit any material facts.
- d. For the duration of the complaint process, including the complaint intake, formal investigation, and IRP, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer, or to conduct any further investigation of a case on behalf of the department or its members are those investigating officers designated by the Commander of IAB or the Chief of Police.
- e. A subject officer will not be armed during a pre-disciplinary meeting (Chief's Hearing) with the Chief of Police (or designee).
- f. General Supervisor and Command Officer Responsibilities:
 1. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.
 2. A supervisor or command officer will continually examine areas of the police operation under his or her purview.
 3. A supervisor or command officer will not look to higher authority to initiate investigations when the actions in question are within his or her own authority.
 4. The Internal Affairs Bureau may be requested when the complexity of the case justifies such assistance.
 5. A supervisor or command officer of a division, bureau, or district will resolve minor procedural violations in accordance with this policy. If the supervisor/command officer determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the command officer will be responsible for ensuring that the training, oral admonishment, counseling, etc., is accomplished and documented.
 6. A supervisor or command officer of a division, bureau, or district will conduct an investigation in accordance with this policy.
 7. A supervisor or command officer of a division, bureau, or district will immediately report to IAB all allegations of serious misconduct, including conduct prohibited by law.
 8. A supervisor or command officer of a division, bureau, or district will, in a timely manner, notify the IAB regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.
 9. Supervisors and command officers will obtain the assistance of IAB or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.
 10. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer will notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities section regarding responsibilities of all supervisory officers [including command officers] with respect to discipline and conduct of officers.)
 11. Any command officer (or supervisor, with the approval of a higher ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the department or the officer. Officers will surrender their badges and identification cards when relieved of duty.

12. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case will immediately relieve the officer of duty and retain all department property in the officer's possession. Requests to hold or obtain the subject officer's police uniform will be made to the proper authority in the detention facility. The ranking supervisor or command officer will immediately notify the IAB of the subject officer's detention or incarceration.
 13. The IAB commander, the Chief of Police or the Executive Director of Safety will report all allegations of serious misconduct, including conduct prohibited by law to the Office of the Independent Monitor within three business days of becoming aware of the allegations.
- g. Investigating Supervisor and Command Officer Responsibility:
1. The Deputy Chief, division chief, or bureau or district commander will review the matter to determine whether the investigation should be conducted at the division, bureau, or district level or forwarded to the IAB. The Deputy Chief, division chief, or bureau or district commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAB along with a request for a formal investigation.
 2. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer will immediately contact the IAB, which will coordinate the intake for such allegations. The commanding officer of a subject officer will ensure that complaints are processed as required by this policy.
 3. The Deputy Chief, division chief, or commander of the bureau or district will be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the Deputy Chief, division chief, or commander will initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.
- h. Internal Affairs Bureau (IAB) Authority and Responsibilities:
1. Officers of the IAB act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer's, or any other officer's departmental duties and obligations. The IAB commander may, at his/her discretion, investigate any complaint lodged against any other officer of the department, regardless of rank or appointment.
 2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAB will immediately begin a formal investigation into the allegations.
 3. The IAB will have the full authority to conduct an investigation without interference from any officer.
 4. The primary duty of the IAB will be to ensure the integrity of the department. The IAB will direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the department.
 5. The IAB is responsible for notifying the Denver District Attorney's Office (DAO) and the City Attorney's Office Prosecution and Code Enforcement Section (PACE) of open investigations and sustained findings that may impact an officer's credibility, as detailed in Section (8).
 6. The IAB will maintain files of disciplinary investigations pursuant to the applicable document retention schedule of the department and the city. The files will contain all
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complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.

i. Monitor's Role in IAB Investigations.

The Office of the Independent Monitor will actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAB will investigate any incident set forth below and the monitor's office will actively monitor and participate in such IAB investigations:

1. Any shooting involving a Denver police officer, whether duty related or not;
 2. Any in custody death;
 3. Any duty related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in CRS §18.1.901(3)(p), as it may be amended from time to time;
 4. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;
 5. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in CRS Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
 6. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
 7. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the monitor's office will nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
 8. In addition, the monitor's office will monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Executive Director of Safety. The board or executive director will advise the monitor's office of the reasons why the board or the executive-director believes the monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the board or the executive director, the monitor's office will advise IAB only that the monitor's office will monitor the investigation.
 9. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAB interviewers to ask of the witnesses, but the IAB interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
 10. The monitor will have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the Denver District Attorney's Office may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The monitor will also have complete access to all department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney client privilege or the attorney work product privilege.
 11. During the course of the investigation, the monitor may discuss the investigation with IAB including recommending additional investigation.
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12. For any investigation that it monitors, the monitor will review the investigation to ensure that it is thorough and complete. If the monitor cannot certify that the investigation is thorough and complete, the monitor may request that IAB conduct additional investigation. If IAB does not complete the additional investigation to the monitor's satisfaction, the monitor may conduct additional investigation, including issuing subpoenas.
13. The monitor will advise the Citizen Oversight Board, Executive Director of Safety, and Chief of Police of the reasons that the monitor was not satisfied with IAB's investigation and of the additional investigation conducted by, or to be conducted by the monitor. The IAB will not forward the investigation until the monitor has completed its supplemental investigation, if any, and then the IAB will forward its investigation together with the monitor's supplemental investigation to the appropriate person(s).
14. The monitor will treat all documents and information regarding specific investigations or officers as confidential and will divulge such information on a need to know basis or unless otherwise disclosed by the City and County of Denver.

(4) COMPLAINT INTAKE PROCEDURES

a. Processing Allegations:

1. Allegations by members of the public: Any officer who is contacted by a member of the public wishing to complain about possible misconduct by an officer will immediately put the individual in contact with an on-duty supervisor. The supervisor will attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift.

The supervisor will complete a Commendation/Complaint Intake Form as prescribed in this policy.
2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer will report the same directly to a supervisor in the reporting officer's or subject officer's chain of command or to the IAB. Any officer who initiates an allegation will prepare an Inter Department Correspondence (DPD 200), outlining the allegations and/or other reports as directed by a supervisor. The reporting officer will not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all OMS governing the same.
3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) will be handled by the IAB. The IAB will review the allegation and determine whether the case will be handled at the division, bureau, or district level or by the IAB.
4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits will be reviewed by the Office of the Independent Monitor and IAB to determine whether an IAB investigation would be warranted.
5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAB will forward a copy of the allegation to the Executive Director of Safety for his or her direction. The Executive Director of Safety (or designee) will confer with the Independent Monitor (and may retain an independent investigator from outside the department) in such circumstances.

b. Complaint Screening:

The supervisor or command officer receiving the complaint will make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.

1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint will be documented on the Commendation/Complaint Intake Form (DPD 687), and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the complaint intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.
2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor will refer the complainant to the Internal Affairs Bureau or the Office of the Independent Monitor.
3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor will be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint information will then be forwarded to the Internal Affairs Bureau for a final determination.

(5) A COMPLAINT MAY BE DISMISSED FOR THE FOLLOWING REASONS:

a. Mediation:

Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow it to be resolved through the mediation process for any reason.

1. No stakeholder will be required to state the reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation are considered confidential and cannot be used against either party in any future criminal or civil matter.
2. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering "consistent discipline"). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor's Office.
3. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with **the provisions of the department of Safety EEO Investigation Procedures.**

4. Complaints ineligible for mediation:

Any allegation of misconduct that falls into one of the following conduct categories as presented in the Discipline Handbook or the listed descriptions is ineligible for mediation:

- Category E: Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the department.
- Category F: Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of department values; or involves any act which demonstrates a serious lack of the integrity, ethics

or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.

- Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of sergeant, lieutenant, or captain is ineligible for mediation.

5. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the **Executive Director of Safety, the Chief of Police, and the Independent Monitor** all agree that mediation is appropriate.

- Category D: Conduct substantially contrary to the values of the department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.

6. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the **Internal Affairs Bureau and the Independent Monitor** agree that mediation is appropriate.

- Category A: Conduct that has a minimal negative impact on the operations or professional image of the department.
- Category B: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
- Category C: Conduct that has a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public.

7. Final authority on mediation eligibility:

Even if a complaint is eligible for mediation, the Executive Director of Safety (or designee), the Chief of Police (or designee), or the Monitor (or designee) has the authority to decide for any reason that a case should not be assigned for mediation.

b. Mediation Procedures:

If the complainant expresses an interest in mediating the complaint, that fact will be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAB commander and the monitor must agree that a complaint is appropriate for mediation for it to be assigned to the mediation program.

1. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.
2. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which will include:
 - The complaint number
 - The name of the complainant(s)
 - The nature of the allegations
 - An explanation of the mediation program

- An advisement to the officer(s) of the IAB and Monitor's conclusion that the case is appropriate for mediation
 - A request from the Monitor that the involved officer(s) contact the Monitor's office within the next five (5) working days of receipt of the notice
 - An explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to the request will be construed to mean the officer has declined the opportunity to mediate the complaint.
3. The involved officer's supervisors will ensure that the IAB mediation notice is delivered to the involved officer(s) as soon as possible.
 4. If any of the involved officers decline to participate in mediation, the complaint will be returned to the intake process in accordance with normal IAB policies and procedures.
 5. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAB.
 6. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the monitor will notify IAB so that appropriate action can be taken. The complaint may then be processed by IAB as per normal policies and procedures.
 7. Upon completion of the mediation, the complaint will be dismissed. No new complaint will be accepted based on the conduct of an officer during mediation. The mediation session will be confidential (with statutory exceptions) as per CRS §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there will be no requirement that an agreement be reached during the course of mediation.
- c. Judicial or Administrative Review:
The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.
- d. Untimely:
The complainant delayed too long in filing the complaint to justify present examination. IAB may waive the timeliness requirement for good cause.
1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.
 2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major rules violations should be filed within six (6) months of the incident. IAB may waive the time limit if there is substantial corroborating evidence of the misconduct.
 3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.
- e. No Misconduct:
Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or city or department policy will be dismissed. Occasionally, a complaint that fails to state

misconduct may merit a referral to the Chief's Office for policy or other considerations or to mediation as a means of improving police community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.

f. False or Trivial:

The complaint is trivial, frivolous, false, or not credible.

1. Allegations determined to be intentionally and materially false will be dismissed.
2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the department.
3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAB or recommended for dismissal by division, bureau, or district supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.

g. Third Party Complaints:

A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first hand sources), witnessed the alleged misconduct (second hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, judge, etc.)

1. Third hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.
2. Dismissal is not allowed for third party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English, is not a citizen; is wanted on criminal charges; or has been threatened, etc.).
3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.

h. Complaints about Repeatedly Reviewed Categories of Police Activity:

IAB may receive allegations about some categories of police action (e.g., police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAB. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.

i. History of Unfounded Complaints:

Occasionally, a single individual repeatedly files non meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAB Commander may authorize in writing that repeated complaints from specifically named individuals receive special handling. District and bureau supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically named individuals.

Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAB can demonstrate that a person:

1. Has a history of filing unverifiable or non-credible complaints and was warned in writing that the filing of similar complaints in the future may result in special handling, rapid disposition, or other specified actions, or;
2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.

j. Complainant Withdraws:

The complainant withdraws the complaint or fails to complete the necessary complaint steps. The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant's request to withdraw a complaint or failure to cooperate in an investigation does not require that IAB dismiss a complaint.

k. Unable to Identify Officer:

1. The identity of the officer cannot be determined. In some cases, there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources.
2. The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAB may forward the complaint to an appropriate district or bureau commander for information and educational purposes.

l. No Jurisdiction:

DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAB will dismiss complaints over which it has no jurisdiction, including complaints against persons who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAB will refer the complainant to the proper department, agency or government entity. Complaints brought against career service employees may be taken by IAB or at any district or bureau and will be forwarded to IAB. Complaints against career service employees are generally forwarded to, and resolved by Safety Human Resources Division.

The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAB commander may:

1. Conduct an investigation and refer it to the Denver District Attorney's Office and/or place the findings in the employee's IAB or personnel file, or
2. Review the actions of the employee's supervisors, or
3. Review the department's policies and training curriculum, or
4. Elect not to dismiss the complaint until after an investigation has been completed if it appears that the employee may be rehired by the department or by another law enforcement agency, or
5. Elect to close the complaint with a notice to the employee's file that, should the employee return to the department at a later date, the case will be reopened and investigated.

(6) CONDUCTING INFORMAL INVESTIGATIONS:

A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations should be completed within five (5) days from the time the complaint is received by the district/bureau. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.

- a. Supervisors will complete the following steps when handling a minor misconduct complaint:
 1. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the department's expectations with respect to rules and procedures pertaining to the issues in the complaint, the complainant's perception of the officer's behavior, and alternative approaches the officer could have possibly used to improve service.
 2. Document the incident and actions taken on the Commendation/Complaint Intake Form (DPD 687).
 3. If the investigation can be completed during the current tour of duty, all documentation will be forwarded to IAB where upon receipt a case number will be assigned.
 4. If the investigation cannot be completed during the current tour of duty, the supervisor will contact IAB for a case number, and forward all documentation to IAB upon completion of the investigation.
- b. IAB will review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer's alleged misconduct.
 1. If IAB determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint will be forwarded to the Chief of Police or his designee for final disposition.
 2. If IAB determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAB will advise the officer's chain of command that no further action is required.
 3. If IAB determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
 - The informal complaint may be sent back to the concerned officer's commanding officer for further follow-up as prescribed by IAB. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(6)a above, or
 - The complaint can be reclassified as a formal investigation to be investigated by IAB.

(7) CONDUCTING FORMAL INVESTIGATIONS:

Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a formal investigation.

- a. If the complaint intake performed by the supervisor of a bureau or district indicates that a formal investigation is warranted, the supervisor will notify the IAB, which will assign an IAB case number regardless of whether IAB or the district/bureau conducts the investigation.
 - b. The supervisor or command officer of a bureau or district handling a general misconduct allegation will contact the IAB for a case number. The supervisor or command officer of the bureau or district will prepare or cause to have prepared the Statement Form (DPD 366), and Commendation/Complaint Intake Form (DPD 687). The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint will complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAB investigating officer assigned to the case (if the IAB is investigating the matter) should use these same forms.
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- c. Depending on the severity of a misconduct allegation, at the commencement of a formal investigation the IAB commander will confer with the appropriate division chief in order to determine whether:
 - 1. The subject officer should be allowed to remain in his or her usual assignment;
 - 2. The subject officer should be allowed to remain on duty but in another assignment; or
 - 3. The subject officer should be relieved of duty.
- d. The IAB will immediately be notified when a subject officer is allowed to remain on duty but in another assignment, or is relieved of duty.
- e. If an officer is charged with a felony, the Chief of Police will indefinitely suspend the officer pursuant to Denver City Charter Section 42-27.
- f. An Officer Notice of Investigation (NOI) (DPD 627) will be generated and provided to an officer who is the subject of a formal investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation.

The NOI will outline the general nature of the formal investigation and include a summary of the allegations. The NOI will be generated by the IAB. If the nature of the investigation requires a credibility disclosure to prosecutors, as described in Section (8) below, a Credibility Disclosure – Officer Notification (DPD 627A) will be provided to the subject officer with the NOI.
- g. When directed by an investigating officer, every officer who has knowledge, whether direct or indirect, of the alleged misconduct will prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification.

The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement will be sent to the commander of the reporting officer. The written statement must be accurate and complete.
- h. Prior to making any statement or answering any questions as a part of an informal or formal investigation, the subject or witness officer will be provided a copy of the Advisement Pursuant to Internal Investigation (DPD 455), (also known as the Garrity Advisement) by the supervisor, command officer, or IAB investigating officer conducting the investigation.

The officer will be provided a reasonable amount of time to review DPD 455 and to sign it. If the officer declines to sign DPD 455, the investigating officer will write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.
- i. Statements will be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.
- j. If a formal investigation concerns an allegation of a law violation, the Miranda Advisement form (DPD 369) will be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation (DPD 455), before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.
- k. The administrative investigation of any incident requiring mandatory monitoring will be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the monitor, the thirty day (30) time limit will not apply unless the Executive Director of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Executive Director. Failure to comply with any time limits set forth in this policy will not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor will such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor will it constitute misconduct by any member of the department.

- i. If IAB is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Executive Director of Safety, the commander of IAB may request in writing through the chain of command that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAB's request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.

Requests for extensions and responses thereto will be copied to the Independent Monitor, Citizen Oversight Board, and the Executive Director of Safety.
- m. At completion of the investigation, IAB will have the case reviewed by the Independent Monitor, and perform any reasonable and necessary additional investigation as requested by the Monitor. Once the Independent Monitor has certified the investigation as complete, it will be forwarded to the Conduct Review Bureau for the purpose of making determinations regarding each specification, and penalty recommendations when applicable.
- n. Scheduled discipline cases may be forwarded directly to the Conduct Review Bureau upon completion by the subject officer's commanding officer without first being reviewed by the Independent Monitor.

(8) CREDIBILITY DISCLOSURE NOTIFICATIONS (“BRADY NOTIFICATIONS”)

- a. The department is required under federal and state case law, as well as Colorado statutory law, to disclose to the District Attorney's Office (DAO) and the City Attorney's Office Prosecution and Code Enforcement Section (PACE) information in the department's possession that may affect an officer's credibility in court. This is commonly referred to as a “Brady notification.”
- b. The IAB shall notify the DAO and PACE when an officer is under investigation for conduct that includes any of the following allegations:

 - 1. Knowingly making an untruthful statement concerning a material fact, knowingly omitting a material fact in an official criminal justice record, or knowingly omitting a material fact while testifying under oath or during an internal affairs investigation or administrative investigation and disciplinary process;
 - 2. Demonstrating a bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class;
 - 3. Tampering with or fabricating evidence;
 - 4. Being convicted of any crime involving dishonesty or being charged in a criminal proceeding with any felony or any crime involving dishonesty;
 - 5. Violating any policy of the department regarding dishonesty; or
 - 6. Conduct prohibited by law.
- c. The IAB shall confer with the DAO and PACE to determine the Rules & Regulations, as specified in the Disciplinary Handbook, that meet the above-listed conduct and require a credibility disclosure notification to the prosecuting agencies.
- d. When an investigation is opened that includes a specification requiring a credibility disclosure notification, or if such a specification is subsequently added, the IAB shall promptly notify the DAO and PACE of the investigation, including the IAB case number and the specification(s) triggering the notification. The subject officer shall also be notified of the credibility disclosure using a Credibility Disclosure - Officer Notification (DPD 627A), which shall be included with the Notice of Investigation (DPD 627) sent to the subject officer, unless a NOI is not provided due to jeopardizing an ongoing investigation, as detailed in OMS 503.01(7)(f).
- e. At the completion of the investigation, the IAB shall notify the DAO and PACE of the findings (i.e., sustained, not sustained, exonerated, or unfounded) on the specification(s) that are the subject of the credibility disclosure notification. However, the decision whether to add or remove an officer

from the list of *Brady* notifications in criminal and municipal court cases lies solely with the respective prosecuting agency, not with the department.

(9) **CONDUCT REVIEW BUREAU:**

- a. Using procedures and protocols outlined in the Discipline Handbook, the Conduct Review Bureau (CRB) will review the facts gathered during the formal investigation and make a determination for each listed specification.
- b. Each specification listed for consideration will then be categorized according to one of the following findings:
 1. Unfounded – The investigation indicates that the subject officer’s alleged actions relating to the department policy, procedure, rule, regulation or directive in question did not occur.
 2. Exonerated – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the department.
 3. Not Sustained – There was insufficient evidence to either prove or disprove the allegation.
 4. Sustained – After consideration of all evidence in the investigation, the subject officer’s actions were found, under the specified standard of proof, to have been in violation of the department policy, procedure, rule, regulation, or directive in question.
- c. Scheduled discipline cases
 1. If a case is sustained and the penalty recommendation is other than an oral or written reprimand, the case will be forwarded to the Executive Director of Safety for imposition of discipline.
 2. If a case is sustained and the penalty recommendation includes fined time or a suspension, the subject officer and his or her commanding officer are notified by CRB as to the disposition.
 3. If a subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a **Chief’s Pre-Disciplinary Hearing**. The CRB will then schedule the **IRP process** as outlined in OMS 503.01(11). If the case is not sustained, the subject officer is notified by CRB of its disposition and it is forwarded to IAB for tracking and filing.
- d. Non-scheduled discipline cases - Independent Monitor
The Independent Monitor will review draft findings and penalty recommendations of the CRB and note any concerns.
- e. Non-scheduled discipline cases - oral or written reprimand
If a case is sustained and the penalty recommendation is an oral or written reprimand, the procedure outlined in OMS 503.01(9) i.1. will be followed.
- f. Non-scheduled discipline cases – fined time or suspension
If a case is sustained and the penalty recommendation includes fined time, suspension, or termination, the CRB will coordinate a contemplation of discipline meeting where the CRB will notify the subject officer and his or her commanding officer as to the recommendation in the case.
 1. The CRB will coordinate the timing and location of the contemplation of discipline meeting, which will occur no sooner than the first business day following the Chief of Police Conduct Review meeting. If it is determined there are circumstances necessitating a more urgent notification of recommendation(s), the Commander of CRB (or designee) retains authority to modify this time schedule.
 2. The subject officer will be served with a **Contemplation of Discipline letter** that outlines the complaint specifications; and if sustained, the recommended discipline. Officers

being served with a **Contemplation of Discipline letter** are allowed 24 hours to make a decision to accept the discipline, or request a chief's hearing. If the officer chooses to use the 24-hour decision period, he/she will receive an order specifying the date and time to return to the CRB. At that time the officer must report his or her decision, in person, to the CRB.

3. If the subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a Chief's Pre-Disciplinary Hearing. The CRB will then schedule the Investigative Review Process as outlined in OMS 503.01(10).
4. If the case resulted in no sustained specifications, but included at least one of the specifications listed in OMS 503.01(9) (h.), below, the case will be reviewed in the Chief's Conduct Review Meeting.
 - g. Chief's Conduct Review Meeting – sustained specification(s).

All cases with at least one sustained specification will be reviewed in the **Chief's Conduct Review meeting**, which will include; the Chief of Police, the subject officer's Deputy Chief and commanding officer, the Deputy Director of Safety, the Conduct Review Bureau Commander, **and/or any others as determined by the Chief of Police**. The purpose of the meeting is to gain input on the final determination and penalty assessment.
 - h. Chief's Conduct Review Meeting – designated specification(s).

All cases involving an allegation of one of the following specifications will be reviewed in a Chief's Conduct Review meeting, regardless of the determination, to ensure that the determination is appropriate and to keep the Chief of Police and Executive Director of Safety informed as to the resolution of these cases:

 1. RR-112.1 Misleading or Inaccurate Statements;
 2. RR-112.2 Commission of a Deceptive Act;
 3. RR-115 & 115.2 Conduct Prohibited by Law;
 4. RR-138 Discrimination, Harassment, and Retaliation;
 5. RR-306 Inappropriate Force (where the force recipient was hospitalized)
 6. Any other case deemed appropriate by the Chief of Police
 - i. After the **recommendation** has been made by the Chief of Police and any case results in disciplinary action (either an oral or written reprimand, fined time, suspension, or dismissal), IAB will forward the final case summary sheet to both the officer and his/her commander.
 1. When discipline is an oral or written reprimand, it will be issued to the officer by his/her commanding officer. The command officer will have a printout of the evaluation system journal entry for the reprimand forwarded to the IAB.

(10) RESOLUTION OF SUSTAINED SPECIFICATIONS WITH A RECOMMENDATION OF LOSS OF TIME:

- a. An **IRP (investigative review process)** will be commenced and a Chief's Pre-Disciplinary Hearing held when directed by the Chief of Police or requested by the subject officer.
- b. The subject officer may elect to accept the penalty recommendation made by the Chief of Police and voluntarily waive any further disciplinary proceedings, pending approval by the Executive Director of Safety
- c. Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the CRB outlining mitigating or exonerating circumstances.

(11) INVESTIGATIVE REVIEW PROCESS (IRP):

- a. **Phase I:**

Upon receipt of a sustained case the CRB will notify the subject officer of its completion and that the investigative report and recommendations are available for review.

1. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five day (5) period will begin upon the subject officer's return to active duty unless otherwise ordered by the Chief of Police.
2. If the subject officer is serving a suspension, the IRP process will begin when the officer returns to active duty or at the direction of the Chief of Police.
3. The review period may be extended at the discretion of the CRB commander. Subject officers may select one (1) member of the classified service, or a Denver Police Protective Association or Fraternal Order of Police representative, or an attorney to represent them during the IRP process. No officer will serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAB case being reviewed, or if he or she is in the subject officer's chain of command.
Unless there are extenuating circumstances, as determined by the commander of the CRB, the same officer will represent the subject officer during the IRP process.
4. Prior to commencement of the IRP, all persons who will review the investigative file will sign the Confidentiality Declaration (DPD 628a). Failure to sign the confidentiality declaration will preclude review of any files.
5. A subject officer and his or her representative will be allowed to review the entire investigative file regarding the subject officer's sustained violations.
6. A subject officer will not remove any documents, electronic or hardcopy from the IAB or CRB offices at any time during his or her review. A subject officer will not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes will be retained with the IAB case file.
7. Officers are prohibited from retaliating in any manner against any officer, other employee, or person who has made a charge, testified, assisted, or participated in any manner in an investigation, IRP, Chief's Pre Disciplinary hearing or Civil Service hearing.

b. **Phase II:**

The second phase of the IRP consists of a meeting between the subject officer, one (1) officer representative, the investigating officer, and the IAB commander (or designee). Phase II will be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses will not be addressed at the IRP.

1. Disputed factual issues will be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting, submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file. The content of the memorandum of dispute will be limited to specific factual issues mentioned in the IAB report.
2. During Phase II of the IRP, the subject officer may petition, in writing, the IAB commander to conduct further investigation into the case. The subject officer must articulate specific reasons why he or she believes further investigation is needed. The IAB and CRB commanders will confer and make the final decision as to whether further investigation is necessary. If it is determined that further investigation is needed, the original investigation will be reopened and further investigation conducted at the IAB commander's direction.

3. At the completion of the supplemental investigation, IAB will make the case available to the OIM for review.
4. Once the Monitor has reviewed the supplemental investigation, it will be forwarded to the Conduct Review Bureau for the purpose of making determinations regarding each specification, and if applicable to make penalty recommendations per the procedure outlined in OMS 503.01(9). The commander of CRB may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.
5. The subject officer will be provided an opportunity to review the supplemental report, which will be included in the original investigative report after the case is returned to the CRB commander.
6. In cases involving multiple subject officers, there will be a separate IRP for each subject officer unless a joint IRP is agreed to by the CRB commander and each subject officer.

(12) CHIEF'S PRE DISCIPLINARY HEARING:

- a. A **Chief's Pre Disciplinary Hearing** will be conducted by the Chief of Police (or designee).
 1. For each matter for which a Pre-Disciplinary Hearing will be held, a Contemplation of Discipline Letter will be prepared and provided to the subject officer within ten (10) business days of the CRB's recommendations.
 2. For each investigation that it monitors, the Independent Monitor may review the case file and discuss it with the Chief of Police and/or the Executive Director of Safety (or designee) prior to its being sent to the subject officer.
 3. A Pre-Disciplinary Hearing will be held no less than seven (7) and no more than ten (10) business days after the issuance of the Contemplation of Discipline Letter, unless extended by the commander of CRB. The Independent Monitor, Executive Director of Safety, and Denver City Attorney, (or their designees), may attend the Pre-Disciplinary Hearing (aka, Chief's hearing). Other individuals may attend the Pre-Disciplinary Hearing with the approval of the Chief of Police (or designee).
- b. Prior to the Chief of Police making a recommendation as to whether any rule violations should be sustained and the level of discipline, if any, to be imposed upon an officer, the Chief of Police will confer with the Independent Monitor.
- c. After holding a Pre Disciplinary Hearing the Chief of Police or his/her designee may initiate disciplinary action with a Written Command specifying disciplinary action. The Written Command will be submitted, pursuant to Denver City Charter section **9.4.14 (A)**, to the Executive Director of Safety for approval.
- d. Within five (5) business days of the Police Chief's recommendation of discipline, the Monitor will advise the Executive Director of Safety whether he or she agrees with the Police Chief's recommendation, as to whether any rule violation should be sustained, and the level of discipline, if any. If the Monitor disagrees with the Police Chief's recommendation, the Monitor will state specific reasons for disagreeing with the recommendation.
- e. In accordance with Denver Charter section **9.4.14 (B)**, within 15 calendar days of the date of the Chief's order, the Executive Director of Safety (or in his/her absence the Deputy Executive Director of Safety) will approve, modify, or disapprove the Written Order of disciplinary action **and will issue a Written Departmental Order** which will take effect immediately. As to each specification, the Executive Director of Safety will have the option of accepting the penalty recommendation of the Chief of Police or increasing or decreasing the recommended penalty. Nothing in these provisions prohibits the Executive Director of Safety (or designee) from reviewing the investigatory file prior to receiving the Written Command. The Executive Director (or designee) has the discretion of engaging in settlement discussions with the subject officer or

his/her representative, at any stage of the disciplinary process. Such settlement discussions, should they occur, will not be admissible at any future hearing(s) before the Civil Service Commission.

1. Prior to imposing discipline, if any, the Executive Director of Safety will confer with the Independent Monitor regarding the monitor's disciplinary recommendation and the monitor's evaluation of the investigation.
2. The Independent Monitor will be allowed to review, but will not become the custodian of, the Executive Director of Safety's disciplinary order.

(13) COMPLAINANT LETTER:

At the conclusion of the review and recommendations, a letter will be prepared by CRB notifying the complainant of the outcome of the investigation.

- a. Should the disposition change at any further level of review, CRB will modify the notification letter to reflect the new disposition.
- b. The completed letter will be forwarded to the Office of the Independent Monitor (OIM). OIM will ensure that the letter is sent to the complainant.
- c. The letter will include the complaint number, the date of the incident, the date the complaint was made, and the findings. The letter will include the name and phone number of the responsible person who can be contacted for further information.

(14) APPEALS PROCESS:

If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Executive Director of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter section **9.4.15** regarding Civil Service disciplinary review procedures.)

(15) DUTY TIME AND OVERTIME COMPENSATION:

- a. All officers who participate in a Chief's Pre-Disciplinary hearing or who serve as the subject officer's representative at a Chief's Pre-Disciplinary hearing will have that time counted as duty time.
- b. Officers up to and including the rank of captain who participate in a Chief's Pre Disciplinary hearing or who serve as a subject officer's representative at a Chief's Pre Disciplinary hearing and who are off duty will be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.

(16) INTERNAL PERSONNEL MATTERS:

IAB investigations are internal personnel matters and, as such, all investigative reports, command officer's conclusions, and recommendations will be secured in a manner that prevents unauthorized review and disclosure of findings.

(17) EXECUTIVE ORDER 94 POLICIES FOR ALCOHOL AND DRUG TESTING:

- a. Training on Executive Order 94
 1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.

2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.
- b. **Prohibitions for all city employees including classified members of the police and fire departments - Alcohol**
1. **Employees are prohibited** from consuming, being under the influence of, or impaired by alcohol while performing city business, while driving a city vehicle or while on city property. There are three exceptions to this prohibition.
 - An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
 - An employee is not on duty and at a city location as a customer, e.g., playing golf on a city course.
 - An employee is a member of the police department and as a part of the employee's official duties consumes alcohol in accordance with police department procedures as described in OMS 304.10.
 2. **As part of official duties**, members of the police department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the police department consume alcohol in violation of their department procedures.
 3. **The alcohol levels** defined by the state legislature that may be amended from time to time for defining "under the influence of alcohol" and "impaired by alcohol" are adopted here for purposes of this operations manual.
 - a. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.
 - b. Employees holding Commercial Driver's licenses (CDL) are also subject to the alcohol levels defined by the department of Transportation (DOT) regulations that may be amended from time to time for "under the influence" which are adopted here for purposes of Executive Order 94.
- c. **Prohibitions for all city employees including classified members of the police and fire departments - Illegal and Legal Drugs**
1. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing city business, while driving a city vehicle or while on city property.
 2. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug.

There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.
 3. Legal drugs – Notification of Supervisor
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It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.

4. Legal drugs - Prohibitions

Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing city business, unless the following two determinations have been made:

- a. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.
- b. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
 - If appropriate, the OHSC personnel may contact the employee's personal physician. Prior to making contact with the employee's personal physician, the OHSC personnel should obtain a medical release from the employee.
 - The OHSC will keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
 - Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.

5. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence. Therefore, a positive marijuana drug test will be treated as an illegal drug use for all employees, including those with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has recommended the marijuana for medical reasons.

d. **Drug and alcohol testing - Pre-Employment**

1. The Civil Service Commission or interviewing agency will perform pre-employment drug screening of all applicants in accordance with their policies and procedures.
2. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, will be tested for controlled substances and may be tested for alcohol.
3. Refusal by an applicant to submit to a pre-employment test will result in denial of employment.

e. **Drug and alcohol testing - Reasonable Suspicion Testing**

When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public, the supervisor or command officer will immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor or

command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer will initiate testing as follows:

1. Alcohol
 - a. Document in writing on Drug and Alcohol Testing (DPD 667), the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, and speech or body odors.
 - b. When possible, have a second supervisor or command officer, confirm the specific contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors.
 - c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
 - d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee will be of a higher grade/rank than the employee being tested.
 - e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee/badge number to the testing site.
 - f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
 - g. After the initial test results are known, the supervisor, command officer or escort will contact the Internal Affairs on duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee's ability to satisfactorily and safely meet job requirements, the supervisor, command officer or escort will place the employee on investigatory leave pending results of testing or other administrative determinations.
 - h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
 - i. During regular OHSC hours, the testing will be conducted at one of the OHSC testing sites. These testing sites are located at Denver Medical Health Center, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer will page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
 - j. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two (2) hour time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing (DPD 667). Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.
 - k. Supervisors, command officers and escorts will keep the employee's name and identifying information restricted to persons on a need to know basis.
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2. **Illegal drugs**
 - a. Follow the steps listed above in Section 16.e.1.
 - b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing (DPD 667). Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal.
 - c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee's official duties, the Internal Affairs on-duty/on-call command officer will be notified.
 3. **Post-accident testing**
 - a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer will ensure that driver-employee is tested for alcohol and drugs when the accident:
 1. May have been the fault of the employee and the accident involves a fatality; or
 2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
 3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
 4. There is reasonable suspicion to test the employee.
 - b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.
 - c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney's Office will be contacted prior to ordering drug and/or alcohol testing.
 4. **Random Testing**
 - a. The department may implement, with the Denver City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the department.
 - b. Pursuant to the DOT regulations, random alcohol testing will be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing will be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
 - c. Pursuant to the DOT regulations, random drug testing will be conducted annually on 50% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Drug testing will be conducted on a random, unannounced basis. There is no
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requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. Return to Duty Testing

If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee will not return to perform department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.

f. Testing and Documentation

1. When a Denver Police Department employee is transported for an Executive Order 94 related test, whether post-accident, reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
2. Escorting supervisors will complete Drug and Alcohol Testing (DPD 667), briefly outlining the reason for the test and follow the distribution at the bottom of the form.

g. Injured Employees

When a Denver Police department employee is transported to a medical treatment facility, the supervisor will determine the following:

1. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
2. If the employee is not going to be released within two (2) hours, the OHSC lab technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC lab technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
3. If the employee is initially unconscious and regains consciousness within the two hour (2) period, both drug and alcohol tests will be administered.
4. If the employee regains consciousness after the two hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
5. If the employee remains unconscious for more than eight (8) hours, contact the Performance Development Unit who will in turn contact the Denver City/District Attorney's office for direction.
6. If the event of a change in shift, it is the responsibility of the original supervisor to inform the oncoming supervisor of the situation. The oncoming supervisor will then ensure that the tests are completed within the time constraints.
7. Positive Tests
When an employee is tested for drugs and alcohol, the requesting supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on duty or on call Internal Affairs Bureau representative.
8. Evening/Weekend Tests
In the event a test is needed during other than normal duty hours (0700-1500) and a call out is necessary, employees will contact Denver 911 personnel who will then contact the OHSC on-call Technician.

503.02 COMMENDATIONS

(1) POLICY:

The Denver Police Department recognizes that its employees consistently perform their duties at a high-level, however, sometimes the actions of its employees rise above the standard expected, meriting special recognition. The department also acknowledges that the total police mission could not be accomplished without the efforts of all its employees, both sworn and non-sworn. Furthermore, the department recognizes the vital and beneficial contribution made by its volunteers and residents.

Therefore, it is the policy of the Denver Police Department to award in an official manner, units, employees, volunteers, and residents who demonstrate meritorious conduct and exemplify and embody the standards set forth in the following policy: promote community involvement and bring honor upon themselves, the department, and the City and County of Denver.

There are two employee recognition events:

- The annual Denver Police Foundation event – individuals will be presented with the appropriate medal, shirt pin, and/or certificate.
- The annual Denver Police Department Recognition event – a recognition event for employee award recipients, family, and friends - no awards will be presented.
- All other award recipients will be presented with a certificate by the appropriate bureau/district commander/director.

(2) DENVER POLICE DEPARTMENT COMMENDATIONS:

- Medal of Honor
- Medal of Valor
- Preservation of Life
- Distinguished Service Cross
- Purple Heart
- STAR (Superior Tactics and Response)
- Police Merit
- Excellence in Crime Prevention
- Lifesaving
- Community Service
- Official Commendation
- Chief's Unit Citation
- Innovation in Police Service Unit Citation
- Excellence in Crime Prevention Unit Citation
- Community Hero
- Outstanding Volunteer
- Officer of the Year
- Career Service Employee of the Quarter
- Career Service Employee of the Year

(3) PROCEDURES:

- a. Any employee of the Denver Police Department may nominate a sworn officer, civilian employee, VIPS, or other person for an applicable commendatory award. Unless otherwise stipulated by award name or description, all employees and volunteers are eligible to receive any of the department commendatory awards.
 1. All nominations will be prepared on a DPD 200, signed by the commending individual, and forwarded electronically through his/her chain of command for approval. Upon

approval, all nominations will be forwarded electronically by the approving division chief via email to the Awards Committee (DPDCommend@denvergov.org) for review.

2. Any nomination prepared by an outside law enforcement agency will be forwarded to the Awards Committee via email (DPDCommend@denvergov.org).
 3. Nominations for Volunteer of the Year will be sent to the Volunteer Program Administrator, who will then forward the nomination to the Chief of Police.
 4. All letters of compliment and commendation from any other source will be forwarded to the Office of the Chief of Police.
- b. Nominations will be written in a clear and concise fashion, including the employee's name and badge number/employee ID, and will omit police jargon or any other detailed information about suspects in the incident (e.g., race, age, D.O.B., direction of flight, etc.). Additional documents such as supplementary reports, after action reports, commendatory action report, or correspondence should be submitted to assist the board in determining the appropriate award.
- c. When more than one employee is involved in a commendable incident, the narrative of the nomination will specify the actions of each employee, aiding the awards committee in recommending the most appropriate award.
- d. Unless otherwise waived by the Chief of Police or the chair of the awards committee, all nominations are required to be submitted to the awards committee within six (6) months of the incident.
- e. All commendable actions resulting from involvement in a major event, such as an officer-involved shooting, will be considered by the awards committee at the same time.
1. Officer-involved shootings must receive a letter of clearance from the Denver District Attorney's Office and the department's Use of Force Review Board before the incident can be reviewed.
 2. The awards committee member will, at this meeting, review the case with the investigator, view all video tapes, and listen to any audio tapes. All aspects of the incident and all proposed commendations will be discussed, but no final determination will be made concerning any awards at this time.
 3. A conference call meeting will be acceptable at the discretion of the chair of the awards committee.
- f. Historical Awards:
Procedure for consideration of a "historical" award nomination:
- The nominating person must conduct all research and investigation.
 - The nomination will be sent via email to DPDCommend@denvergov.org for review.
 - If the award nomination is approved it will be presented at the annual retiree luncheon, usually coinciding with the police memorial ceremony held annually in May.

(4) AWARDS COMMITTEE:

- a. The Denver Police Awards Committee will be comprised of the chief of staff for the Chief of Police (or designee) as chairperson in a non-voting capacity (except to break a tie), one lieutenant, one sergeant, two officers below the rank of sergeant, two Career Service (CS) employees, and one community member.
1. The lieutenant, sergeant, officers, CS employee and community member will be nominated by the chairperson (with affected commander/director's approval) and approved by the Deputy Chief.
 2. Final selection of board members will be made by the Chief of Police.

- b. The board will review and evaluate each nomination based on the information received. During consideration of awards, the board may choose to investigate the nomination and is empowered to call any officer witness or invite civilian witnesses to appear.
- c. The awards committee will review nominations and determine the appropriate award:
 - 1. Considerations for Medal of Honor, Medal of Valor, Preservation of Life, Distinguished Service Cross, and Purple Heart Award will be forwarded to the Deputy Chief. The Deputy Chief will review the board recommendation and then forward to the Chief of Police, who will determine what, if any, award is appropriate.
 - 2. All other nominations will be forwarded to the Chief of Staff for the Chief of Police for review and finalization.
- d. The awards committee may determine that the nomination does not meet the standards and eligibility for any listed award. In this instance, the awards committee will forward the nomination packet back to the approving division chief so that the nomination may be:
 - 1. Recognized at the unit/section/bureau/district level, including but not limited to, a journal entry and archiving of the nomination packet within the employee's personnel file.
 - 2. Resubmitted with additional facts and support in writing. The individual making the appeal will be given the opportunity to appear in person at a future awards committee meeting. Any further appeal is to be made to the Chief of Police whose decision will be final.

(5) AWARDS STANDARDS AND ELIGIBILITY:

- a. Medal of Honor:
 - 1. Awarded by the Chief of Police to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of his/her own life. The individual's actions substantially contributed to the saving of or attempted saving of a human life.
 - 2. This is the highest and most prestigious department award and there must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the actions must clearly render the individual conspicuous by an act so outstanding that it clearly distinguishes heroism beyond the call of duty from lesser forms of bravery. It must be the type of deed that, if not done, would not subject the individual to any justified criticism.
 - 3. A posthumous award may be made to an individual who has lost his/her life under conditions where the officer endangered themselves in circumstances consistent with good police practices.
 - 4. The award will consist of a Medal of Honor, a shirt pin, and a paper certificate.
- b. Medal of Valor:
 - 1. Awarded by the Chief of Police to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.
 - 2. This is the second highest department award and to warrant this distinctive decoration, the act must be performed in the presence of great danger or at great personal risk and by its nature involved the saving of a human life, or attempted saving of a human life, the prevention of a serious crime, or the apprehension of a person who committed a serious crime. The action must be performed in such a manner as to render the individual highly conspicuous.
 - 3. The award will consist of a Medal of Valor, a shirt pin, and a paper certificate.
- c. Preservation of Life:

1. Awarded by the Chief of Police to an individual who performs an act of heroism, demonstrates good judgment, zeal, or ingenuity over and above what is normally demanded and expected, to preserve the life of another during a critical, volatile, or dangerous encounter while protecting the safety and security of the public and their colleagues.
 2. For purposes of this award, a *critical, volatile, or dangerous encounter* will refer to any rapidly unfolding and dynamic incident where the subject is armed and the ability or intent to use lethal force is present.
 3. The award will consist of a Preservation of Life medal, a shirt pin, and a paper certificate.
- d. Distinguished Service Cross:
1. Awarded by the Chief of Police to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.
 2. The award will consist of a Distinguished Service Cross, a shirt pin, and a paper certificate.
- e. Purple Heart Award:
1. Awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award will be limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.
 2. This Purple Heart can be awarded in conjunction with other awards.
 3. The award will consist of an enamel bar and medal.
- f. STAR (Superior Tactics and Response) Award:
1. Awarded to an individual who, through exceptional tactics, acts to successfully resolve a critical incident, thereby promoting a culture of safety and professionalism to which all law enforcement professionals should aspire. The tactics displayed or performed must be conspicuously effective and above the standard expected.
 2. *Exceptional tactics* includes utilization of proper tactics and appropriate force which mitigated the level of danger and which were directly responsible for preventing the incident from escalating to a deadly force situation.
 3. The award will consist of an enamel bar and a paper certificate.
- g. Police Merit Award:
1. Awarded by the Chief of Police to an individual who distinguishes themselves with exceptional meritorious service. Through personal initiative, tenacity, and great effort acts to solve a major crime or series of crimes, or develops a program or plan which contributes significantly to the department's objectives and goals.
 2. The award will consist of an enamel bar and a paper certificate.
- h. Excellence in Crime Prevention:
1. Awarded to an individual who demonstrates personal initiative and ingenuity by developing a program or plan which contributes significantly to the department's crime prevention strategy, or through innovation combats issues affecting the community.
 2. The award will consist of an enamel bar.
- i. Lifesaving Award:
1. Awarded by the Chief of Police to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual's life.

2. The award will consist of an enamel bar.
- j. Community Service Award:
 1. Awarded to an individual who, by virtue of sacrifice and expense of his/her time or personal finance, fosters or contributes to a valuable and successful program in the area of community service or affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
 2. This award will consist of a paper certificate.
- k. Official Commendation:
 1. Awarded to an individual who by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community.
 2. The award will consist of a paper certificate.
- l. Chief's Unit Citation:
 1. Awarded by the Chief of Police to an entire unit, section, or bureau/district of the department whose members perform their assigned function in an unusually effective manner.
 2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.
- m. Innovation in Police Service Unit Citation:
 1. Awarded by the Chief of Police to a division, district, or bureau in recognition of innovative efforts and support of the community or department to address social harms, improve resiliency and wellness in our members, or improve prosocial policing practices. Innovations should further the department's efforts to be the safest, most equitable city in the country.
 2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.
- n. Excellence in Crime Prevention Unit Citation:
 1. Awarded by the Chief of Police to a division, district, or bureau in recognition of exceptional, quantifiable policing efforts to address and reduce the frequency of adverse impacts of one or more crime types within the Denver community. Programs or focused efforts can be related to education, alternatives to traditional criminal justice approaches, community or agency collaborations, and/or enforcement.
 2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.
- o. Community Hero Award:
 1. Awarded to an individual who provided assistance to a law enforcement officer in response to a criminal or emergency incident, placing themselves in danger of bodily injury.
 2. The award consists of a certificate and a pin for wearing on clothing.
- p. Outstanding Volunteer Award:
 1. Awarded by the Chief of Police to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
 2. This award will consist of a paper certificate.

- q. Officer of the Year Award - active duty sworn police officers:
 - 1. This award will be presented annually to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the prevention of crime and demonstrated initiative, leadership, and dedication to the law enforcement profession.
 - 2. This award may be presented annually to an individual officer, technician, corporal, detective, sergeant, or command officer, or as determined by the Chief of Police.
 - 3. The award will consist of a plaque and a shirt pin.
- r. Career Service Employee of the Quarter:
 - 1. This award will be presented quarterly to a CS employee who continually performs their duties through perseverance and dedication to excellence and outstanding customer service. Demonstrating a positive attitude when interacting with others and highly motivated with innovative ideas to improve efficiency, benefiting the department and community. Documentation of positive customer feedback will be considered for this award.
 - 2. The award will consist of a paper certificate.
- s. Career Service Employee of the Year Award:
 - 1. This award will be presented annually to a CS employee who has represented the department in all facets of service with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were hired.
 - 2. The award will consist of a plaque.
- t. Volunteer of the Year Award – Volunteers in Police Service:
 - 1. This award will be presented annually to a volunteer in the program with a distinguished commitment to excellence, in support of the values of the organization.
 - 2. The award will consist of a plaque.

503.03 POLICE PERFORMANCE EVALUATION

(1) REQUIREMENT:

The Police Performance Evaluation will be completed annually for each officer up to and including the rank of commander. It will document an officer's performance throughout the calendar year, regardless of any change to assignment or rank. Evaluations must be finalized by supervisors through Workday with a final electronic submission date to be determined by the Chief of Police (or designee).

(2) GENERAL OVERVIEW:

Using designated assessment categories and providing other relevant and/or required information the Police Performance Evaluation is comprised of an officer self-assessment, supervisor assessment, and a 2nd level manager review. To ensure all officers are evaluated consistently, Job Aids have been created and placed on DPDWeb.

(3) JOURNAL ENTRIES:

Journal entries will be documented within Workday and referenced by supervisors to record incidents of noteworthy attention to duty or minor misconduct by their subordinate officers throughout the year. Commendations as well as disciplinary matters, including sustained formal disciplinary actions, will also be noted.

- a. The recommended number of journal entries per officer is one per month.
- b. Instances of oral counseling or admonishment administered for failures of standard policy or

procedural guidelines (e.g., tardiness, incomplete reports, etc.) should be recorded in a journal entry and will not be termed an oral reprimand unless formalized by a sustained internal affairs complaint.

- c. No officer will have any comment adverse to his/her interest entered in a journal entry or personnel file without having the opportunity to read the instrument containing the comment. To appeal a journal entry, see section (7).
- d. If disputing a journal entry, officers may also add comments to the entry within Workday.

(4) SUPERVISOR/COMMAND RESPONSIBILITY:

Each officer will be evaluated by his/her immediate supervisor.

- a. Supervisors within an officer's chain of command may access all completed journal entries and performance evaluations under their purview.
- b. Supervisors will ensure that performance evaluations for personnel within their chain of command are completed in accordance with established timelines.

(5) BI-ANNUAL ASSESSMENT:

Supervisors will at a minimum hold a mid-year and end-of-year assessment meeting with officers.

- a. Mid-year assessment meetings will be documented by supervisors in Workday with a journal entry, describing strengths, areas to improve, and any other relevant information.
- b. End-of-year assessment meetings will be held in accordance with the Police Performance Evaluation process described in the Job Aids and documented within Workday. All assessment categories and relevant information will be discussed.

(6) RATING CHANGES AND ADDITIONS:

- a. Changes and additions will be made in accordance with the Job Aids.
- b. Prior to finalization of an evaluation and its presentation to an officer, 2nd level managers and higher-ranking personnel who were within an officer's chain of command during the evaluation period may change the rating and/or add comments. Officers will be notified of any such changes and may review them within Workday.

(7) APPEAL PROCESS:

Officers can appeal any performance evaluation rating or journal entry within thirty (30) days of the date they were first notified. Appeals must be in writing (DPD 200 or email) detailing the reasons why a change should be made.

- a. Officers below the rank of lieutenant will submit their appeal through the chain of command to their bureau/district commander or director. The final decision for any appeal rests with the respective bureau/district commander or director.
- b. Lieutenants, captains, and commanders will submit their appeal through the chain of command to the officer ranked directly above their immediate supervisor. The final decision for any appeal rests with the ranking officer directly above the immediate supervisor.
- c. Approved changes for completed evaluations may require the assistance of Safety HR and/or Technology Services to complete.
- d. All appeal documentation will be forwarded to Safety HR for inclusion within the officer's personnel file.

(8) RECRUIT OFFICERS / POLICE TRAINING PROGRAM OFFICERS:

The Police Performance Evaluation does not apply to recruit officers or probationary officers while participating in the Police Training Program. The Academy Unit is responsible for providing a means of documenting performance while in the academy or in the Police Training Program. The Police Performance Evaluation as referenced in this section will be utilized upon successful completion of the Police Training Program.

- a. While assigned to the police academy, recruit officers are evaluated by their performance on written and practical tests designed to measure knowledge and application of basic police functions. Outstanding and deficient performance is documented in the ADORE application. Additionally, recruits are introduced to the Police Training Officer (PTO) model of training at the academy. In the PTO model, recruits document their own performance through training notes and coaching and training reports (CTR). Supervisors assess these self-evaluation tools for accuracy and resolve any discrepancies by working with the recruit.
- b. After leaving the academy and while receiving field training, each probationary officer will be evaluated by a Police Training Evaluator (PTE) at least twice during training using the PTO Evaluation Report. The PTO Evaluation report will be reviewed and approved by the appropriate training coordinator and PTO Administrator, and reviewed with the probationary officer. The evaluation report is stored in the ADORE application, and may be accessed by training and command staff.

503.04 PERSONNEL ASSESSMENT SYSTEM (PAS)

(1) PURPOSE:

The Personnel Assessment System (PAS) is a Denver Police Department program created to increase police accountability and reduce department liability through a system of recognition and intervention. The goal of PAS is to enhance the success of Denver police officers by identifying individual performance problems followed by the application of intervention techniques designed to improve performance.

- a. The department's provision of training, counseling, support, and other services under this policy does not in any way diminish an officers' ultimate responsibility for his/her performance, including the correction of any identified performance deficiencies.
- b. Nothing in this policy should be construed to suggest that a PAS intervention is a replacement for the department's disciplinary procedures.
- c. When required, participation in a personnel assessment strategy is mandatory.

(2) DEFINITIONS:

PAS – The Personnel Assessment System (PAS) is a non-disciplinary process used to identify and address performance issues early in their development. PAS relies primarily on supervisor observation and input, and is complemented by a computer program that draws information from existing databases of incidents such as, commendatory actions, uses of force, and complaints from members of the community.

Referral - A referral is a direct recommendation made into the PAS program. Recognizing the need for the human element in employee success, referrals may be made by managers, supervisors, peers, family, or friends. In addition, concerned officers may self-refer. Referrals may be based on information discovered in PAS data sources, personal observations, or knowledge of other circumstances that could have an adverse effect on officer performance. Referrals may be made directly to the Performance Development Unit (PDU), or to any other supervisor or command officers who will bring the referral to the attention of PDU.

Review - A review of an officer's performance and conduct may occur as a result of several circumstances and will be based on the totality of the circumstances. For example, a review may be initiated as a result of a single Internal Affairs Bureau (IAB) investigation, a single complaint coupled with other performance issues, a possible pattern of complaints or misconduct, or by reaching established review limits. A review may involve a management or supervisory examination of all available information pertaining to officer(s) that may or may not indicate a need for intervention. The goal of the review is to determine whether any level of intervention is needed to assist the officer.

Review Limits - Review limits determine the number or frequency of incidents tracked in the PAS computer program that may warrant a review. Review limits may be adjusted periodically by the Chief of Police. Review limits will be made public to all officers.

Review limits are meant to prompt an examination of an officer's performance that may indicate a disparity compared to similarly situated officers. Review limits are meant to be practical and reasonable. Additionally, not all performance data available in the PAS system will have a related review limit. The identification of effective review limits is an ongoing process impacted by the availability of performance related information, technology, and the proper identification of indicators of officers with performance problems.

Performance metrics that will trigger a mandatory PAS review (reviews are conducted on a monthly basis):

- Three (3) of any one incident type within the previous three (3) months
- A total of four (4) or more incident types (any combination) within the previous three (3) months
- Six (6) of any one incident type within the previous twelve (12) months
- A total of seven (7) or more incident types (any combination) within the previous twelve (12) months
- Two (2) or more accidental and/or deliberate firearm discharges in one (1) year

NOTE: Incident types include use of force (excluding cases where no force was used but the suspect complained of injury), formal complaints (including newly named defendants in civil lawsuits), and officer involved critical incidents. Multiple incident types that stem from a single event will not be counted twice. Exonerated or Unfounded complaint cases, and Declined complaint cases (BWC or mediation) will not count as an incident type within the PAS review.

Response Level - The response level will be based on each particular PAS review or referral. Response levels are intended to improve officer performance and are not a disciplinary action. There are two possible levels of response that may be applied to a review:

- Level One - Notification
- Level Two - Intervention

(3) PROCEDURES FOR PAS REVIEW OR REFERRAL

PAS information is confidential and will not be disseminated to unauthorized persons, either internally or outside the department. Individual users are responsible to maintain the security of the PAS computer program. PAS may not be used for personal use or gain, and misuse of PAS may result in discipline.

- a. PAS printouts may be referred to as needed; however, they will not be attached to evaluations or any other reports including IAB investigations.
- b. Individual officers are encouraged to review their own EIS computer system information on a frequent basis. Reviewing EIS information allows the officer the opportunity to ensure the accuracy of EIS data and to monitor multiple performance indicators. An officer who finds data that they believe is inaccurate should inform their immediate supervisor of the records in question. The supervisor will then contact the PDU with a description of the possibly inaccurate data. The PDU will cause the record in question to be corrected when appropriate and inform the officer and the supervisor of the outcome.
- c. Regardless of the origin of a review of an officer's performance under this policy, one of the response levels detailed below will be used:

1. Level One – Notification:

Based on the totality of the information available, the issue is of such a nature as to necessitate the notification of the officer and their commander. The officer's commander will notify the officer.

- The commander will coordinate with the Performance Development Unit and/or the Academy to identify any appropriate resources to which the officer may be referred.
- The officer's input will be sought in order to identify an informal response plan that will help correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
- The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
- All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.
- Command officers may elevate any officer to a Level Two – Intervention response when that officer receives a second PAS review within twelve (12) months. Should the command officer decide on a Level One – Notification, an explanation must be provided detailing the reasons.
- A third PAS review within twelve (12) months will automatically be escalated to a Level Two - Intervention response.
- A lieutenant will address and respond to a Level One review with input from the officer's sergeant.
- A journal entry within the officer's performance evaluation will be made noting the Level One – Notification review. (Assessment score: Not Applicable)

2. **Level Two – Intervention:**

Based on the totality of the information available, the issue is of such a nature as to necessitate a formal intervention, which includes a written plan. The officer's commander will notify the officer.

- The commander will coordinate with Performance Development Unit and/or the Academy Unit to identify any appropriate resources to which the officer may be referred.
- The commander will coordinate with his/her division chief and Performance Development Unit and/or the Academy Unit to determine the appropriate form of intervention.
- The officer's input will be sought in order to help determine a course of action that will help to correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
- The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
- All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.

(4) REMEDIAL PLANS:

The response will include a written remedial plan detailing the efforts being made to correct any performance and conduct issues of concern. Template language will be avoided and each plan should be tailored to the individual officer and his/her needs for improvement.

- a. Written plans will include specific goals, structure, oversight and support.
- b. Plans will mandate weekly meetings with a sergeant to gauge progress, and will be documented in a journal entry.

- c. Plans will include a monthly meeting with a sergeant and lieutenant, and will be documented with a journal entry.
- d. The remedial plan will be signed by the officer indicating that the response has been reviewed. The officer's progress must be monitored and formally reported to the Chief of Police through the chain of command.
- e. At the conclusion of the plan, a report noting the results will be completed by the assigned command officer and forwarded to his/her respective division chief within 14 days. A final journal entry will be made in the officer's record noting the outcome of the plan.

(5) INTERVENTION STRATEGIES:

Appropriate intervention strategies may include:

- a. Referral to Peer Support, psychological services, police chaplain, Denver Police Resiliency Program, Employee Assistance Program, or other appropriate employee support system.
- b. Coordination with the Academy Unit to identify training needed to improve an officer's performance.
- c. Non-disciplinary coaching or direction by the officer's supervisor, developing a monitoring program or a follow-up plan, or encouraging the officer to help the supervisor determine the best intervention option for the situation.
- d. Mandatory department authorized training, targeting personal or professional problems that the officer may be facing (i.e. communications, cultural awareness, coping with stress, anger management, or skills training such as remedial driving, arrest control techniques, etc.).
- e. Reassignment or transfer.
- f. Recommending policy revisions or additions, or departmental training needs.
- g. Provide direct supervisory observation by assigning a corporal or sergeant to accompany, or "shadow" the subject officer for a time period and frequency determined by the officer's commander. This strategy is strongly encouraged, recognizing that staffing levels can be a factor.
- h. Online Police One training videos

(6) ROLES AND RESPONSIBILITIES:

- a. Performance Development Unit (PDU) Responsibilities:
 - 1. PDU is responsible for establishing and administering the PAS, and generating reports specified in this policy, as requested by a commanding officer for personnel under their command, or as otherwise directed by the Chief of Police.
 - 2. PDU coordinates with psychological services, Peer Support, the Training Section, the Denver Employee Assistance Program, and other available services to develop effective intervention strategies. The purpose of the intervention is to enhance employee success by addressing behavior before the conduct becomes more serious or a disciplinary issue.
 - 3. Whenever a referral or review is initiated, PDU will prepare documentation for review by the assigned commander in order to determine the appropriate level of response.
 - 4. At a minimum, PDU will produce a monthly report detailing officers who have reached a review limit for three (3) and twelve (12) month thresholds.
 - PAS reports will be generated for Districts 1, 3, 5, Metro/SWAT and Gang Unit at odd month intervals.
 - PAS reports will be generated for Districts 2, 4, 6, Traffic Operations Section and all others at even month intervals.
 - 5. PDU will monitor the officer's completion of assigned requirements on all Level One - Notifications and Level Two - Interventions.

6. PDU draws no conclusions concerning the generated reports. PAS reports are intended to assist command and supervisory personnel in the evaluation and guidance of their subordinates. PAS reports alone will not form the basis for disciplinary action.
 7. Develop and share weekly reports that outline the number of delinquent PAS reviews and number of PAS reviews by division, bureau, district, section, or unit.
 8. K9 bite related use of force incidents will not be included in the Personnel Assessment System; instead, the Chief's Office will rely on the quarterly reports generated from the Metro/SWAT Section. A PAS Report may be initiated after a review of these reports by the Chief of Police (or designee).
- b. Command Officer Responsibilities:
1. Command officers are required to review the EIS information for the supervisors under their command at least once a month. The command officer must ensure that such supervisors are reviewing the EIS information of the officers under their span of control once per month to make certain that no issues have gone unrecognized.
 2. When a command officer has identified a subordinate who may need a review, the command officer will gather the necessary documentation. PDU may be called upon for assistance.
 3. Command officers are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Command officer oversight will be tracked within the command officer's performance evaluation system as an "action plan" for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the command officer working with the supervisor and/or officer to accomplish the plan, and the proper weekly documentation of the plan.
- c. Supervisory Officer Responsibilities:
1. All supervisory officers are required to review the EIS information for the officers under their span of control a minimum of once a month. Supervisory review of EIS is also required during preparation of officer performance evaluations.
 2. When a supervisory officer has identified a subordinate who may need a review, the supervisor will gather the necessary documentation. The supervisor will then make a determination of the level of response required or will refer the review to the appropriate chain of command.
 3. Nothing in this policy precludes a supervisor from intervening with an officer before a referral is made or a review is initiated. Through personal observation and available performance data, the EIS program can best be utilized by supervisors to identify opportunities to improve officer performance.
 4. Supervisors are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Supervisory oversight will be tracked within the supervisor's performance evaluation system as an "action plan" for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the supervisor working with the officer to accomplish the plan, and the proper weekly documentation of the plan.



504.01 REQUISITION AND RECEIPT OF SUPPLIES

(1) GENERALLY:

The Uniform/Stationary Supply Unit will requisition, store, and deliver stationery supplies upon proper request. Commanding officers are requested to anticipate stationery needs for a period of at least one (1) month, and recognizing that processing must be allowed, submit requisitions no more frequently than is necessary to replenish needed supplies. This is not intended to prevent the ordering of supplies on an emergency basis, but to reduce to a minimum the number of times emergency orders are requested.

(2) REQUEST FOR SERVICE OR SUPPLIES:

All requests that will or may initiate the purchase of any materials, supplies, or a service or repair, must be made in writing and signed by a commanding or supervisory officer.

(3) REQUISITIONS:

- a. Requisitions for stationery supplies and other items normally procured through the Uniform/Stationary Supply Unit will be forwarded directly to that office.
- b. Requisitions for supplies not stocked by the Uniform/Stationary Supply Unit will be forwarded to the Financial Services Section.

(4) FORM REPLENISHMENT:

- a. All requests for DPD numbered forms are to be submitted in writing to the Uniform/Stationary Supply Unit. When stocks are nearing depletion, the Uniform/Stationary Supply Unit will submit a resupply request to the Planning, Research and Support Section.
- b. Supplies of forms which are used by only one unit within the department will not be maintained in the Uniform/Stationary Supply Unit. The entire stock will be delivered to the unit which uses them. It is the responsibility of that unit to anticipate its needs and reorder, through the Planning, Research and Support Section, before supplies are exhausted.

(5) FORM DESIGN OR REVISION:

- a. All printing requisitions for new or revised forms (including those funded by special grants) will be processed through the Planning, Research and Support Section. Planning, Research and Support Section is responsible for proofreading and editing the form for policy/rule conflicts.
- b. Requests for new forms or for form revisions are to be approved by the commander(s) whose Division(s) utilize the forms. An example of the form is then submitted to the Planning, Research and Support Section for forms control, standardization, and printing.

(6) RECEIPT OF ITEMS:

Immediately upon receipt of the items ordered, the receiving individual will weigh, count, or otherwise measure the items and record the quantity, date, and sign their full name. All receipts will then be forwarded to the Financial Services Section.

(7) RECEIVING DATA:

Receiving data regarding partial shipments will be accumulated on the reverse side of this form and when the total shipment has been completed, the appropriate notations will be made in the receiving columns on the face of the form.

(8) DAMAGED OR NON-CONFORMING SHIPMENTS:

Damaged or non-conforming shipments will be refused, and appropriate notations made on the reverse side of the form.

(9) COMPLETE ORDERS:

After the shipment of all items on this form have been completed and appropriately noted by the receiving individual, this form along with all packing slips, delivery memos, bill, and invoices will be immediately returned to the Financial Services Section.

504.02 ISSUED ITEMS AND EQUIPMENT

(1) OFFICER RESPONSIBILITY:

Officers are responsible for (and will be held accountable for) all department issued items. In addition, officers may be held financially responsible for the loss or damage to any department or personal property because of culpable negligence on their part.

(2) UNIFORMS:

- a. Standard uniform items may be acquired from the Uniform/Stationary Supply Unit. The issuance of these items will be recorded and maintained by the Uniform/Stationary Supply Unit.
- b. Alterations (i.e., hemming, shirt tapering, etc.) will be the personal financial responsibility of the individual officer and the officer's personal expense for tailoring (and cleaning, etc.) is taken into budget consideration when establishing the annual equipment allowance.

(3) LOSS, DAMAGE, AND/OR REPLACEMENT OF DEPARTMENT ISSUED PROPERTY:

Officers are expected to exercise appropriate measures when caring for property entrusted to them. Officers will immediately report to a supervisor, and in writing, the circumstances under which the loss occurred.

- a. In the event of loss or damage to department property during an official police action, the officer will direct a letter to the Commander of the Operations Support Section, through his or her chain of command, requesting that this property be replaced by the department.
 1. A General Occurrence (GO) report must be completed for any lost or stolen police equipment (including personally owned weapons used in the performance of department duties) and uniform items. The reporting officer will ensure that the Intelligence Unit is notified to track lost or stolen police equipment that could be used in furtherance of other crimes. Using the MRE, the officer will select "routing" on the GO report, add "HINTEL" for the handle and choose "N" (notify). A "notify" will send a copy of the report to the Intelligence Unit, but still allow the report to be routed to the appropriate investigative unit. If using a desktop RMS to create the GO, the routing screen will be displayed when the report is saved. The handle that is responsible for investigating the case will be displayed. Add the "HINTEL" handle and "N" (notify) on the routing screen and select "route".
 2. The reporting officer will present the GO case number to the Uniform/Stationary Supply Unit before any items will be replaced.
 3. Each request will be forwarded to the Financial Services Section with a recommendation by the Commander of the Operations Support Section, approving or denying the officer's request for replacement. Approved requests will be forwarded to the Uniform/Stationary Supply.
 4. Temporary replacements of department issued equipment may be made only once it has been determined who will bear the cost. If replacement at department expense is not approved, the officer will submit payment to the Financial Services Section for the loaned equipment.
- b. If department issued property is damaged during an arrest, the arrestee may be charged with

destruction of public property (DRMC 38-61). The Unified Summons and Complaint should indicate the damage and approximate replacement cost for each item.

- c. Any department property lost or damaged because of negligence by an officer will be replaced at the officer's expense.

(4) DISPOSITION / RETURN OF DEPARTMENT OWNED WEAPONS, UNIFORMS, AND EQUIPMENT:

- a. Authorization rescinded – Utility firearms and less-lethal weapons:

1. When an officer is no longer authorized and certified to carry a utility firearm or less-lethal weapon (e.g., transfer, discipline, failure to meet program requirements, etc.), any department owned firearm/weapon assigned to that officer, along with all issued equipment, parts, accessories, uniform items, cleaning supplies, and ammunition, will be returned to the Firearms Unit where it will be inventoried and stored until reassigned.

- b. Resignation or termination related to IAB investigation, discipline, or mental fitness:

1. For such separations, or at the direction of the Deputy Chief (or designee), the Internal Affairs Bureau will coordinate the completion of an Officer's Equipment Clearance Form (DPD 2A) and the return of all firearms and related equipment/accessories, less-lethal weapons, uniforms and equipment with the affected officer and appropriate units (Firearms, Uniform/Stationary Supply, TESU, EEB, Operations Support, Safety Human Resources, etc.).
2. If the officer was issued non-standardized equipment related to a current or prior assignment, IAB will coordinate the return of such items with the appropriate division, district, section, or unit.
3. An officer assigned to the Internal Affairs Bureau will be present and monitor the exchange/inventory.

- c. Resignation or termination related to an officer's conduct that rises to that of a felony charge under Colorado Revised Statutes:

1. A sworn member of the Internal Affairs Bureau will take possession of the following department issued items:
- Weapons
 - Police badge
 - Police identification
 - Police radio
 - Cell phone
 - Body worn camera
 - TASER
2. Department issued weapons will be taken to the Firearms Unit by IAB personnel for storage or reissuance as deemed by the officer's command. All other items will be placed into the Property Management Section and maintained until disposition of the case.
- If the officer is reinstated, the Internal Affairs Bureau will be responsible for returning all equipment to the officer prior to a return to duty.
 - When an officer is terminated or resigns as a result of an IAB investigation, and whose personnel assignment at the time of such resignation or termination was modified to reflect assignment under the Internal Affairs Bureau, it will be the

responsibility of a command officer or designated supervisor from the Internal Affairs Bureau in conjunction with the officer's previous assignment to initiate the Officer's Equipment Clearance Form (DPD 2A).

- All identified special issued equipment as related by the officer's previous assignment(s) will be accounted for or noted as appropriate on the DPD 2A. These items once returned will be maintained by the appropriate previous assignment.
- Upon completion of the initial portion of DPD 2A, IAB personnel will notify the appropriate unit of the pending inventory to expedite the equipment clearance process and/or schedule a time for processing. All other aspects of the equipment clearance procedure will follow that of the normal retirement or resignation process.

d. Retirements and non-disciplinary resignations:

1. All weapons, uniform, and equipment items
 - The separating officer, through his/her division assignment, will complete an Officer's Equipment Clearance Form (DPD 2A) and coordinate the return of designated equipment items with the appropriate units (Firearms, Uniform/Stationary Supply, TESU, EEB, Operations Support, Safety Human Resources, etc.).
 - If an officer has been issued non-standardized equipment related to a current or prior assignment, the officer will coordinate the return of such items to the appropriate division, district, section, or unit with a command officer or supervisor from his/her current assignment.
 - Retirements after a minimum of ten (10) years of service
With the approval of the Chief of Police, all items not of current issue may be retained by the officer. Items that may be retained by the officer will be identified by the Uniform/Stationary Supply Unit.
2. Recruit officer resignations
Recruit officers will comply with section d. 1. of this section and participate in a designated exit interview process prior to final separation processing.

e. Officer's Equipment Clearance Form (DPD 2A):

1. Prior to an officer separating from the department, a command officer or designated supervisor will direct that he/she complete the Officer's Equipment Clearance Form (DPD 2A). When officers resign, retire, or are terminated because of an IAB investigation, discipline, or mental fitness, an officer from the Internal Affairs Bureau may be directed to assist or complete the DPD 2A.
2. The initiating command officer or supervisor will ensure the return of any special / non-standardized equipment issued to the officer because of his/her current or prior assignments.
3. The separating officer will complete the form where required and obtain signatures from each designated unit where equipment items are turned in (e.g., Uniform/Stationary Supply, TESU, EEB, Firearms, Operations Support, Safety Human Resources, etc.).
4. Units receiving the equipment items will indicate that all items have been returned and/or any costs associated with items not returned for which the officer is responsible.

5. After relinquishing equipment to the appropriate unit and completion of the form, the officer will submit the completed form to the Safety Human Resources Division for final separation processing. The officer's final payout will not occur until this process is completed.

(5) RETIRED POLICE IDENTIFICATION:

Retired police identification will be issued to officers honorably separating after twenty (20) or more years of service and to those officers who have completed academy training and have later been forced to accept a disability retirement because of a line of duty injury. Officers with between ten (10) and twenty (20) years of service may request in writing the retired police identification card from the Chief of Police.

(6) RETENTION OF BADGES

Official police badges and identification of the department are the property of the Denver Police Department and remain so even after issue to members and retired members. It is the department's responsibility to ensure that only authorized persons can be in possession of these items.

- a. Only those separating officers who are entitled to retired police identification, as described in section (5), may be allowed to retain their official police breast and hat badges.
- b. Officers who are promoted to a higher rank may be allowed to retain their previously issued badge, subject to departmental approval and reimbursement of any departmental expense.
- c. Officers are authorized to obtain an additional badge or "flat badge" for use while in active service, subject to departmental approval and reimbursement of any departmental expense.
- d. All officers who are allowed to retain an official badge, whether issued or obtained, will be required to sign a Memorandum of Understanding (DPD 181), acknowledging that the badges are the sole property of the Denver Police Department, subject to immediate recall, and that they must be retained for the officers' exclusive use, and may not be sold, destroyed, traded, or disposed of in any way.

(7) UNDERCOVER OPERATOR'S LICENSE:

Any police officer whose assignment necessitates an undercover operator's license will obtain approval from the Chief of Police and the Director of the Colorado Bureau of Investigation. The Intelligence Section will administer this process. When the officer is reassigned to a unit that does not continuously engage in undercover work, or when for any reason the undercover identity is no longer needed, the undercover operator's license will be surrendered to the Intelligence Section for appropriate disposition with the Colorado State Motor Vehicle Division.

504.03 INVENTORY AND TRANSFER OF DEPARTMENT PROPERTY AND EQUIPMENT

(1) INVENTORY:

Each bureau, division, district, section, and unit will maintain an inventory of all city-owned property meeting the definition of capital, controlled, or tracked assets in accordance with Fiscal Rule 4.2. The Inventory Control Unit (ICU) of Operations Support Section will maintain a department wide inventory of these items for the Denver Police Department.

- a. Definitions under this rule are as follows:
 - Capital Assets: Assets, including personal property, land, buildings, improvements other than buildings, and infrastructure with a historical cost of \$5,000 or greater.
 - Controlled Assets: Assets, including personal property, land, buildings, improvements other than buildings, and infrastructure with a historical cost between \$2,500 and \$4,999.99 will be controlled.

- **Tracked Assets:** Items, with a value between \$500 and \$2,499, that do not meet the definition of either Capital or Controlled property.

In addition, each assignment will also maintain an inventory of those items deemed trackable by the Chief of Police that fall outside of the definitions above. All such items will be included in the supplied list of assets from the Inventory Control Unit during the annual physical audit. This will include the following categories of equipment:

1. Less lethal weapons and all department issued firearms
 2. Radar / LIDAR equipment
 3. Body Worn Camera equipment
 4. Police Tools (e.g. ballistic shield)
- b. The Inventory Control Unit (ICU) will be responsible for the oversight of an annual physical audit to be conducted each January of all assets described under section (1) a. As part of this audit, the Inventory Control Unit will provide each division/district with an updated list of division capital, controlled, and tracked assets to be inventoried. The division/district commander or their designee will conduct the audit and the results of this audit will be reported to and recorded by the Inventory Control Unit.
1. The inventory of desktop computer equipment and added components maintained by Technology Services, as described within the controlled or tracked assets definition will be the responsibility of Technology Services.
 2. The physical inventory of communications equipment (radios, mobile data terminals), as described within the controlled assets definition will be conducted by Technology Services personnel as part of the required yearly physical audit.
 3. The inventory of other electronics meeting the description of tracked or controlled assets will be conducted by the Inventory Control Unit, including laptops or other computing devices not maintained or supported by Technology Services.
- c. Small items or electronic devices not meeting any of the other above definitions, including portable audio recorders, may be issued directly to a member of the department or a unit. The ICU will maintain a record of this issuance. When a member is transferred to an assignment not requiring the use of the item, the member or a supervisor will return the item to the ICU. If the item is lost or stolen a GO report will be completed and a copy provided to the ICU.
- d. Any member who receives new property for the department through any means will ensure the ICU is notified of the item, so it may be properly categorized, recorded, and appropriately inventoried. This includes property purchased through grants, the Property Confiscation Fund, or donations.
- e. Cellular equipment will be issued to individual members based on assignment. Inventory for this asset will be verified using the equipment and phone number lists maintained by the ICU. A separate physical inventory of these phones is not necessary. The ICU will coordinate all transfers, upgrades, and exchanges of cellular and smart phones.

(2) COMMANDER RESPONSIBILITY:

It will be the responsibility of every commander to maintain this inventory and such maintenance will include:

- a. Determining the accuracy of the inventory when leaving a command. ICU will assist division/district commanders with the inventory when command changes, if requested.
- b. Accepting the inventory upon assignment to a command.

- c. Making proper notification to the Inventory Control Unit by email when such items are transferred or received, including any surpluses, or items reported lost/stolen.

(3) INVENTORY CONTROL OFFICER:

Each division/district commander will appoint a command or supervisory officer to act as their respective Inventory Control Officer. This officer will be responsible for the day-to-day implementation of this function. The Inventory Control Officer will also act as the liaison to the Inventory Control Unit of the Operations Support Section.

- a. Inconsistencies in inventory (i.e., missing items or overages) will be brought to the attention of the division/district Inventory Control Officer to rectify or attempt to locate the property.
- b. The division/district Inventory Control Officer will complete a GO report (Lost/Stolen Property) when missing items cannot be located, after diligent search, or reconciled and forward to the Inventory Control Unit immediately.

(4) TRANSFER OR DISPOSAL OF PROPERTY:

Upon transfer or disposal of property, an email will be sent to the Inventory Control Unit via department email at "DPD Asset Management" for final reconciliation. For firearms please refer to OMS 504.04.

- a. The asset, barcode, or serial number will be provided along with the location it is being moved from, where it is being assigned to, or if it was reported lost. A copy of the GO report (Lost/Stolen Property) must be provided when reporting an item lost.

504.04 FIREARM, LESS LETHAL SYSTEMS, AND CHEMICAL MUNITION INVENTORY

(1) INVENTORY:

Each bureau/district/unit is responsible for maintaining an accurate inventory of all department owned firearms, less lethal systems, and chemical munitions under their control.

(2) MONTHLY REPORTING:

All bureaus/districts/units are required to conduct an inventory for all less lethal systems and chemical munitions under their control each month. The inventory will be conducted and reconciled utilizing the less lethal inventory system created by the Less Lethal Coordinator and any used/missing less lethal systems or munitions must have a CAD/GO report number in accordance with OMS 105.03 or OMS 504.03 (3) a. and b. The inventory will be provided to the Less Lethal Coordinator in addition to the normal chain of command for inventory control.

(2) ANNUAL AUDIT:

The Firearms Unit is responsible for an annual physical audit of all firearms to be conducted each January.

- a. The Firearms Unit will be the central repository for all department owned weapons and will be responsible for maintaining a department wide inventory of all department owned firearms.
- b. It will be the responsibility of each division/district to make notification to the Firearms Unit of any addition, transfer or surplus (destruction) of a department owned firearm.
- c. The Firearms Unit will coordinate with the Inventory Control Unit to ensure that all records of department owned firearms are accurate and current.

504.05 BUILDING MAINTENANCE

(1) GENERAL REQUESTS:

All requests for building maintenance or alterations during normal business hours (M-F, 0700 to 1500hrs) will be directed to the Operations Support Section. These requests will be reviewed and approved by the Division Chief of Administration.

(2) EMERGENCY CALL OUT REQUESTS:

Incidents that actively affect the operations of any police facility may necessitate an emergency call out request (after hours). Examples include, a full loss of power and no operational backup generator, a water main break, flooding, etc.

- a. The affected police facility will notify Denver 911 and advise them of the request.
- b. Denver 911 will contact the Operations Support Section and advise them of the call out request.
- c. The Operations Support Section will contact the affected facility to verify the request, ensure all attempts to correct the incident have been taken, and determine if a call out is necessary.
- d. When necessary, the Operations Support Section will contact the appropriate facility response.

504.06 RETIRING DENVER POLICE OFFICERS – COLORADO AND FEDERAL CCW PERMITS

The following process addresses Denver police officers who are seeking a concealed carry weapon permit at the time of retirement (Colorado and Federal).

(1) COLORADO CARRY CONCEALED WEAPON (CCW) PERMIT – DPD COURTESY:

- a. A “courtesy” CCW permit is a one-time Colorado CCW permit issued to retiring Denver police officers in which the Executive Director of Safety waives the application fees.
- b. Eligibility – retiring officers must:
 1. Have served the Denver Police Department continuously for 10 or more years or been granted a disability pension after completing probationary period.
 - During the retirement separation process the Safety Human Resource Division will inform retiring officers not meeting this requirement that they may provide justification for further consideration in a letter to the Chief of Police.
 - Following receipt of the letter, the Office of the Chief of Police will notify the Safety Human Resource Division of the Chief’s decision, which will in turn notify the retiring officer.
 - Approved requests for further consideration will then be processed in accordance with this policy, with final authority resting with the Executive Director of Safety.
 - Be leaving the department in good standing, defined as not under investigation or review for any complaint which if sustained would result in a suspension or termination, or the subject of a current or pending criminal investigation.
 2. Qualify under CRS §18-12-203 – Criteria for obtaining a permit.
 3. Have qualified during a regular course of fire with their firearm through the DPD Firearms Unit during the 12 months immediately preceding the date of their courtesy CCW application.
 - Officers who have not qualified during a regular course of fire within the preceding 12 months must successfully complete a single regular course of fire (current quarter) established by the Firearms Unit.

- At the discretion of the Chief of Police, the Training Division's course of fire for concealed weapons may be substituted for a quarterly qualification course.

c. Limitations

1. Retiring officers who are not granted a "courtesy" CCW permit (fees waived) may apply for a standard State of Colorado CCW permit with the Concealed Weapons Registration Unit (CWRU) if they reside in the City and County of Denver and will be responsible for all applicable fees.
2. Following retirement and issuance of a "courtesy" CCW permit, officers separated from the department for 5 or more years must apply for a Colorado CCW permit as prescribed by state law CRS §18-12-203 and will be responsible for all fees required in this process.

(2) FEDERAL CCW PERMIT – HR 218:

- a. A federal CCW permit is issued under Title 18 USC 926C. There is no federal "courtesy" permit and the associated fees are not waived.
- b. Eligibility
 1. As required by federal law, retiring officers must have served as a law enforcement officer an aggregate of 10 or more years, or been granted a disability pension after completing a probationary period.
 2. Applicants must meet the minimum eligibility qualifications of a retiring officer seeking a Colorado CCW permit (not including 10 years of continuous service with the Denver Police Department), qualify under Title 18 USC 926C, and not be prohibited by law from carrying a firearm.

(3) GENERAL SEQUENCE FOR OBTAINING A COLORADO AND FEDERAL CCW PERMIT:

- a. During the separation process the Safety Human Resource Division will assess a retiring officer's eligibility based on years of service or disability, provide him/her with an application for a Colorado CCW permit, and a guide that summarizes steps to obtain a Federal CCW permit. Safety HR will also notify the Internal Affairs Bureau (IAB) of any additional potential disqualifying issues pertaining to a retiree.
- b. The retiring officer will submit a completed application (Colorado and/or federal) to the Concealed Weapons Registration Unit of the Identification Section.
- c. The Concealed Weapons Registration Unit (CWRU) will:
 1. Ensure the retiree's application(s) is properly completed and processed. Incomplete or questionable applications will be returned to the Safety Human Resources Division.
 2. Ensure completion of a criminal background check when required, verify completion of firearms requirements, verify compliance with State and Federal law requirements, and forward the packet to the Internal Affairs Bureau for a disciplinary history review.
 3. Following approval by the Executive Director of Safety, enter CCW permits into Versadex.
 4. Process approved CCW applications and notify the retiring officer when the CCW is ready for issuance.
 5. Non-DPD retired officers seeking a Federal CCW permit from CWRU must live in the City and County of Denver and are responsible for providing proof of eligibility from the agency from which they separated.

- d. The Internal Affairs Bureau will complete a disciplinary history review and forward the completed packet to the Executive Director of Safety.
 1. An IAB command officer (or designee) will review the retiring officer's history to determine if he/she is the subject of:
 - A pending internal and/or criminal investigation.
 - An open case in the Conduct Review Division.
 - Separation due to disciplinary or fitness for duty issues.
 - Any other issues that would potentially disqualify the applicant from a State of Colorado and/or Federal CCW permit.
 - Determine if the retiring officer is leaving the department in good standing, defined as not under investigation or review for any complaint which if sustained would result in a suspension or termination.
 2. Potential disqualifiers:
 - Resigning in lieu of termination.
 - Any pending IAB investigation or discipline review which if sustained would result in suspension or termination.
 - Any fitness for duty evaluations which indicate mental health concerns, or substance abuse issues.
 - Any issue that by law would prohibit the person from possessing a firearm.
 3. An IAB command officer (or designee) will notify the Executive Director of Safety of their review findings and provide supporting documentation.
- e. The Executive Director of Safety (or designee) will review application packets and approve or deny the request(s) based on the background information provided.
 1. If the permit(s) is denied, a letter stating the reason will be included in the file and will also be sent to the retiring officer by the Executive Director of Safety's Office.
 2. Following review, the Executive Director of Safety (or designee) will return permit packets to the Identification Section.
- f. The Concealed Weapons Registration Unit will notify retiring officers of approved requests.
- g. Additional steps may be required depending on circumstances.

(4) RETIREE FIREARMS QUALIFICATION:

- a. It is the retiree's responsibility to ensure they qualify for any subsequent renewals of the CCW permit, including completion of a qualification course established by the Firearms Unit.
- b. The Firearms Unit will schedule and conduct qualifications for retired officers seeking to renew a federal or Colorado permit.



505.01 DAYS OFF

(1) PERIODS:

The Denver Police Department work year will consist of thirteen (13) twenty-eight (28) day periods. A work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.

- a. Officers will be credited with attendance for the calendar day on which they report for duty.
- b. If the department adopts a fourteenth (14th) period during any calendar year, officers working eight-hour (8-hour) shifts will receive an additional two (2) regular days off, and officers working ten-hour (10-hour) shifts will receive an additional three (3) regular days off. See Collective Bargaining Agreement, Article 15.2.

(2) SHIFT CHANGES AND TRANSFERS:

Shift changes and transfers will take place on the first (1st) or fifteenth (15th) day of a work period, unless special circumstances require immediate changes. Shift assignment and regular days off will be granted at the discretion of the unit commander.

(3) SHIFT LENGTH AND VOTING DAYS OFF:

- a. The Chief of Police will determine shift length.
- b. When submitting day off requests prior to the work period in which a holiday falls, officers who have not elected one or more of the holidays off in a saved holiday block must declare a preference of pay or time for the upcoming holiday. When two (2) holidays fall within a work period, they may be split. An officer may elect pay for one (1) and time for the other.
 1. An officer who elects time will be entitled to eight (8) additional hours off during the work period, or sixteen (16) additional hours off in work periods in which there are two (2) holidays. These will be voted by seniority as regular days off.
 2. Officers, who request pay and work the actual holiday, will receive the holiday pay, as well as premium pay for actual hours worked on the holiday. Holiday premium pay is limited to essential personnel only.
Officers will be paid at time and one-half for scheduled hours worked on a holiday, and the balance of an 8-hour benefit at straight pay.
 3. See Collective Bargaining Agreement, Article 11.

(4) APPROVAL AND POSTING:

See Collective Bargaining Agreement, Article 19.2.

(5) CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF:

- a. Officers will not be entitled to overtime pay for changes in days off unless it falls within the provision of Article 19.3 and 19.4, of the Collective Bargaining Agreement, or less than eight (8) hours of relief is provided between shifts - See Collective Bargaining Agreement, Article 19.1.
 - b. Command officers scheduling shift changes for their personnel will be mindful of all requirements and of the need for their personnel to be afforded appropriate rest time before reporting for a new shift and will, whenever possible, schedule time off in such a manner as to eliminate the need for officers to report back prematurely.
 - c. Telestaff Work Codes:
 - "Change of Shift-less than 8hrs-Time" (or pay)
 - "Cancelled day off – TIME 1.5 (or PAY 1.5)". Captains will use the work code indicating 1.0
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(6) HOURS WORKED IN EXCESS OF ONE HUNDRED SEVENTY-ONE (171):

- a. See Collective Bargaining Agreement, Article 16.2.
- b. Hours worked in excess of one hundred seventy-one (171) in a work period must be considered overtime in accordance with FLSA. Commanders should arrange for compensatory time off for officers who are approaching the one hundred seventy-one (171) hour limit, prior to the end of each work period.

(7) VACATION, ASL, SICK, INJURED, LINE OF DUTY INJURY, INJURED NOT IN LINE OF DUTY:

- a. See Collective Bargaining Agreement, Articles 9, 10, and 22.
- b. Vacation, Accumulated Sick Leave, sick, injured, and line of duty injury are considered as working time and will be reflected in TeleStaff with the appropriate work code.
- c. Injury Not in the Line of Duty will be carried on TeleStaff calendars with the appropriate work code.
- d. For officers on limited duty, working less than an eight (8) hour shift, see OMS 505.11.

(8) SUSPENSIONS WITHOUT PAY:

Suspensions without pay is considered non-working time and must be reflected in TeleStaff. Commanders (or designee) will consult with Safety Human Resources to determine the number of regular days off allowed during the suspension period.

(9) ON-CALL REQUIREMENTS:

- a. See Collective Bargaining Agreement, Article 27.4.
- b. All police officers, regardless of rank or appointed position, that are placed in compensated on-call status must be readily available to respond. It is the officer's responsibility to provide a phone number that they will immediately respond to while in on-call status. When a physical response to a location is required, arrival must be as soon as possible following the time of notification.
- c. When in an on-call status, officers must log each call received on the On-Call Activity Log. Officers will use one log sheet per work period and will turn the completed log sheet into his/her supervisor at the end of the period, prior to the first Wednesday of the new period.
 1. The supervisor will review the log sheet, ensuring its accuracy, prior to giving it to a command officer for entry into TeleStaff.
 2. The On-Call Activity Log will be retained for two (2) years.
- d. Officers in a compensated on-call status will go off on-call status and on to call-back status for purposes of compensation when the officer must respond out to a location. The officer will return to compensated on-call status as scheduled, when call-back time is completed. The officer cannot be compensated for both on-call status and call-back status simultaneously.
- e. Scheduled Disciplinary Action - Officers placed in on-call status by the Chief of Police (or designee) and who receive compensation for on-call status must respond to a call for duty. Officers who fail to respond to a call for duty are subject to discipline as follows:
 1. 1st Offense (within 12 months): Written Reprimand
 2. 2nd Offense (within 12 months): Fine of 8 hours (1 day)
 3. 3rd Offense (within 12 months): Chronic Offender (violations will be dealt with more severely within the Disciplinary Matrix)

505.02 VACATION

(1) COLLECTIVE BARGAINING AGREEMENT:

Officers will accrue and use vacation as stipulated in the Collective Bargaining Agreement, Article 9.

505.03 OVERTIME / SPECIAL COMPENSATION

(1) COLLECTIVE BARGAINING AGREEMENT:

Overtime will be accrued and used as stipulated in the Collective Bargaining Agreement, Article 16.

(2) CALL BACK:

See Collective Bargaining Agreement, Article 17.

(3) COURT COMPENSATION/JURY DUTY

See Collective Bargaining Agreement, Article 18.

(4) NON-OVERTIME FUNCTIONS:

Functions which will not be considered overtime will include court resulting from a non-police action, athletic events or programs, medical attention for work-related injuries and off-duty activities.

(5) OFFICERS FILLING THE POSITION OF A SUPERVISORY OFFICER - ACTING CAPACITY:

- a. Acting assignments will be made only when it is essential to the functioning of the division, section, or unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.
 - Acting Assignments will not be made when sufficient supervisors assigned to the bureau are working and can be called upon when necessary.
 - Division, section, or unit commanding officers will be held responsible for insuring that acting assignments are made only when necessary
 - District commanders will arrange lieutenants' days off and vacation schedules to provide lieutenants as acting district commanders during their absence.
 - Lieutenants will arrange sergeants' days off and vacation schedules to provide a senior sergeant as acting shift commander during their absence.
- b. Acting assignments can only be authorized by captains, CS directors or, in the case of sections or units commanded by lieutenants, the respective commander or division chief.
- c. An officer temporarily filling the position of a supervisory officer in an acting capacity will be vested with all the authority and responsibilities of the supervisor, but the acting officer will not interfere with, countermand, or modify the orders previously issued by the supervisory officer, except in extreme emergency.
- d. An officer so assigned, when called upon to affix their signature to any official paper or report, will use only their official title and never sign as an acting officer of a higher rank.
- e. Any officer who is temporarily assigned by his/her supervisor to a rank higher than that which he or she currently holds will be compensated at the rate of pay of the higher rank for the time he or she is assigned and assumes the duties of the higher rank.
- f. Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:
 1. A commander may, with the approval of their division chief, assign a lieutenant to the position of acting commander in their absence.
 2. A division chief may, with the approval of the Deputy Chief, assign a captain to the position of acting division chief in their absence.
- g. Any lieutenant assigned as an acting commander or a captain assigned as an acting division chief will be compensated at the rate of pay of the acting position.
- h. Any officer who, for a period of four (4) hours or more is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank will be compensated at the rate of pay of the higher rank for the entire duty shift in which he

or she is so assigned. If during the period of temporary assignment, the officer works overtime, the officer will receive the overtime rate of pay at the officer's existing pay rate.

- i. Officers will receive acting pay for those days when they are physically present at work. In addition, officers will not receive acting pay for those days on which they are on special assignment, on an excused day, or regular day off.

(6) RECRUITMENT REFERRAL:

Sworn personnel and CS employees will be awarded eight (8) hours compensatory straight time if they successfully recruit a new officer into the Denver Police Academy. "Successfully Recruit" means the person recruited by an officer or CS employee was offered and accepted a position in the academy and started training.

a. Eligibility for Recruitment Referral Award:

1. All police department CS employees and officers up to the rank of lieutenant are eligible.
 - Officers permanently or temporarily assigned to the Recruitment Unit and officers on paid recruitment trips are not eligible.
2. Recruitment referral time will not be awarded for a family member who is hired by the Denver Police Department.
3. Only one officer will be given credit for a successful recruitment effort. The final determination regarding credit rests with the Chief of Police.

b. Referral process for sworn officers:

1. Prior to the applicant testing with the Civil Service Commission, officers must provide at a minimum, the prospective applicant's name and email address to the Recruitment Unit.
 - A Denver Police Department Recruitment Referral Card may be given to an applicant for completion and submission to the Recruitment Unit, or the card may be completed by an officer and forwarded to the Recruitment Unit. Recruitment referral information may also be sent by email to DPDRecruiting@denvergov.org.
 - Recruitment Referral Cards are available through the Recruitment Unit and district stations.
2. Once a referred applicant has started the Denver Police Academy, the Recruitment Unit will notify the referring officer of the applicant's status. The Recruitment Unit will submit the Recruitment Referral Reward request for approval to the Deputy Chief.
3. The Deputy Chief (or designee) will send the reward documentation to the officer's commander or director. The referring officer's supervisor will be responsible for entering eight (8) hours of compensatory time in TeleStaff using the code "Recruiting Award."

c. Referral process for Career Service employees:

1. The process will mirror that of the sworn officer, except that the Deputy Chief (or designee) will forward approvals to Safety Human Resources for entry into Kronos.
2. Eight (8) hours of straight time will be entered under the category, "Admin. Leave – Exemplary Performance."
 - The recruit officer's name and temporary serial number will appear under "Justification" as, "Recruitment Excused Day, Recruit John Doe #00000."
 - Recruitment Referral Reward time for CS employees will be maintained by Safety Human Resources.

505.04 SPECIAL ASSIGNMENT TIME

(1) REQUIREMENTS:

- a. Metropolitan Region (Adams, Arapahoe, Denver, Broomfield, Douglas, Jefferson counties):
Special assignment time may be granted to an officer at the discretion of his/her commanding officer.
- b. Outside the Metropolitan Region or State of Colorado:
 1. Special assignment time at a location outside the metropolitan region requires approval of the Chief of Police through the chain of command and must follow all related travel procedures established by the City and County of Denver.
 2. Special assignment time requiring an overnight stay within or outside the State of Colorado, requires approval of the Chief of Police through the chain of command, and must follow all related travel procedures established by the City and County of Denver.

(2) CONTINUING EDUCATION OR OTHER SPECIALIZED TRAINING:

When officers who regularly work a ten-hour (10) shift are scheduled for special assignment to attend continuing education or other specialized training, the following procedures will apply:

- a. If the training is five (5) eight-hour (8) days in one (1) week, the officer's schedule will be changed to eight-hour (8) shifts during that week. This procedure will apply regardless of where the special assignment takes place or which agency provides the training. The officer will be credited forty (40) hours worked, and no deductions of time from the officer's compensatory time bank will be required. The officer's supervisor will ensure that the officer's scheduled hours worked during that period do not exceed one-hundred sixty (160).
- b. If the special assignment is fewer than five (5) days in one week, the officer's TeleStaff will reflect an eight-hour (8) credit for each special assignment day. The officer may use two (2) hours compensatory time when available from a time bank, for each of the eight (8) hour days or choose option d. (below). If the officer does not have enough compensatory time in the bank, then time can be used from the saved holiday, birthday, Accumulated Sick Leave (ASL), saved vacation, or vacation banks, in that order. The officer will not be scheduled or allowed to work an extended shift on any other day during the work period to make up the two-hour (2) shortage.
- c. If the special assignment is training provided at a Training Division facility, the officer may leave at the end of the training session and must add a work code to TeleStaff requesting that two (2) hours of compensatory time be deducted from their time bank. If the officer does not have enough compensatory time in the bank, then time can be used from the Saved Holiday, Birthday, ASL, Saved Vacation, or Vacation banks, in that order.
- d. The officer may elect to not use compensatory time by remaining at the Training Division facility for two (2) additional hours to receive additional training provided by the Training Division staff. The training may include, but is not limited to: arrest control, firearms, viewing training videos, classroom instruction on a variety of topics, or any two-hour (2) block of training then offered by the Training Division staff. This option applies to CEP classes, mandatory remedial training and other special assignment held at a Training Division facility.
- e. It is not permissible for an officer who normally works eight-hour (8) shifts to attend the additional two-hour (2) training to earn overtime compensation.
- f. An officer who normally works ten-hour (10) shifts, will be granted special assignment time to attend 8-hour training provided by an outside agency, or at a facility other than the Denver Police Academy or Firearms Range, only if the officer requests and agrees to use compensatory time for the two hours not worked each special assignment day.
- g. The department may, on occasion, order an officer who regularly works ten-hour (10) shifts to

attend specialized or remedial training at a non-Denver Police training facility. The department will attempt to schedule these sessions in ten-hour (10) blocks. If that is not possible, the officer's attendance will be recorded as determined on a case-by-case basis, by the officer's commander (or designee).

505.05 SICK LEAVE

(1) ACCRUAL AND USE:

- a. See Collective Bargaining Agreement, Article 10.
- b. For all time, absent from work due to illness or injury, an equal amount of leave time (sick, ASL, vacation, saved vacation, saved holiday) will be entered in TeleStaff.
- c. Days accrued in excess of a ninety (90) day bank is called Accumulated Sick Leave (ASL).
- d. ASL will be granted based on seniority in rank and will be voted in the officer's district or division assignment. ASL voting will take place after all vacations have been voted.

505.06 MILITARY ABSENCE

(1) PAID LEAVE:

See Collective Bargaining Agreement, Article 13.

(2) HEALTH AND DENTAL INSURANCE COVERAGE:

- a. See Collective Bargaining Agreement, Article 13.2.
- b. The first pay period following the first 30 days of leave without pay, the officer can elect to remain enrolled in the insurance through COBRA. The COBRA rate is the officer's premium, the City's premium, plus a 2% administrative fee.

(3) OFFICER SENIORITY:

See Collective Bargaining Agreement, Article 13.3.

(4) MILITARY PAY OR BENEFITS –DRMC 18-164:

See Collective Bargaining Agreement, Article 13.4.

(5) TELESTAFF:

Military leave will appear on the officer's calendar in TeleStaff when the officer was originally scheduled to work.

(6) EXTENDED PERIODS OF ABSENCE OR FAMILY AND MEDICAL LEAVE MILITARY EXIGENCY LEAVE INFORMATION:

- a. See OMS 505.08
- b. Sick and Vacation Time Accrual
Sick and vacation time will not accrue during the extended leave of absence unless the officer elects to use a minimum of 15 days of accrued leave per month.

(7) RETURNING FROM EXTENDED MILITARY LEAVE:

- a. The officer should schedule a meeting with Safety Human Resources to reinstate benefits.
- b. The officer will supply Safety Human Resources with a DD214 or a letter of release from active duty from his/her commanding officer.
- c. If the officer canceled benefits while on military leave and returns, the officer has 31 days to re-enroll in the City's benefits.
- d. Safety Human Resources, in conjunction with the Limited Duty Coordinator, will provide the officer with the Extended Leave Questionnaire and instruct the officer to return the completed

form to the Limited Duty Coordinator. See OMS 505.08 (4) d.

505.07 APPLICATIONS OF LEAVE

(1) TELESTAFF:

All requests for sick leave, vacations, accumulated sick leave, compensation time, and saved holidays will be submitted through TeleStaff by the officer. Requests for military leave and a leave of absence will originate where the officer is assigned and be forwarded through the chain of command to Safety Human Resources.

(2) LINE OF DUTY INJURY - SEE OMS 505.08 TO 505.12.

(3) EFFECTIVE LEAVE START AND RETURN DATE:

The effective date of leave in TeleStaff will be the actual date the officer was absent. The effective date of return to duty in TeleStaff will be the actual date the officer physically reports for duty.

(4) LEAVE TIME ACCRUAL:

Any officer who is on leave without pay, including suspension, for more than fifteen (15) days of a calendar month will not accrue vacation time or sick leave for that calendar month. In addition, officers will not accrue days off proportionate to the number of days of leave without pay. The Safety Human Resource Division should be contacted regarding the number of regular days off to be forfeited.

505.08 USE OF SICK LEAVE / LEAVE OF ABSENCE

(1) STATEMENT OF INTENT:

The purpose of this section is to allow officers to achieve a balance between family responsibilities and work demands. Although the guidelines for use of sick leave have been broadened, each officer must recognize that the responsibility of the Denver Police Department is to provide a continuous high-level of service to the public. Commanders, when granting such leave, will ensure that the police mission is not jeopardized. See Collective Bargaining Agreement, Article 10.

(2) USE OF SICK LEAVE:

- a. Officers using sick leave will notify or have their commanding officers notified at least one (1) hour before the officer's reporting time, except that officers requesting leave for foreseeable medical treatment will make such request at least thirty (30) days in advance, if possible.
- b. Officers who are absent for personal illness, injury, or to care for an immediate family member will contact their unit commanders at three-day (3) intervals to report condition and progress of recovery, unless hospitalized.
 1. If an officer is absent, due to personal illness, injury, or to care for an immediate family member, for more than three (3) days, the commanding officer will notify Safety Human Resources.
 2. Officers who are absent, due to personal illness, injury, or to care for an immediate family member, will not leave the Denver metropolitan area without prior approval from their commanding officer.
- c. Confirmation of Illness/Injury:
 1. Officers who are absent for personal illness, injury, or to care for an immediate family member, may be required to furnish a statement signed by an attending physician, or other proof of such illness satisfactory to their commanding officer. Such statement will confirm that the officer's absence from duty was medically necessary.
 2. Officers requesting leave under the provisions of the Family and Medical Leave Act may be required to provide certification of the illness or injury. This certification may include

information from a physician stating the date the condition commenced, the probable duration of the condition, appropriate medical facts concerning the condition, and, when care is for a family member, the need to have the employee assist in that care and the estimated duration of the need.

3. If malingering is suspected, the commanding officer will visit or have a supervisor visit the officer at the earliest reasonable time, during the hours of the reporting officer's normal duty hours, to verify the authenticity of the illness, injury, or for the care of an immediate family member.
4. Whenever the officer's commander believes that a physical examination is necessary to determine the condition of an officer who is off duty due to personal illness or injury; the officer will submit to a physical examination as directed by the department under the provisions set forth in OMS RR-1107. Officers who are off-duty due to illness or injury will authorize the attending physician to release information regarding their condition and ability to perform their duties to the Safety Human Resources Manager (or designee). In no case, will medical information be released or disclosed to the officer's immediate supervisor.

(3) FAMILY AND MEDICAL LEAVE ACT OF 1993:

In addition to using sick leave when sickness or injury incapacitates an officer, the Family and Medical Leave Act of 1993 (FMLA) allows sick leave to be used for parental leave or for necessary care and attendance during the serious illness of a member of the officer's immediate family.

DEFINITIONS:

Immediate Family: An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

Serious Illness: An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

Parental Leave: Leave for a birth, or placement for adoption, or foster care.

Military Exigency Leave: allows an employee who has a spouse, son or daughter, or parent in the National Guard or Reserves to take FMLA leave due to a qualifying exigency resulting from the covered family member's active military duty (or call to active duty status) in support of a contingency operation. It is part of regular FMLA leave, and the maximum amount of leave is 12-weeks during the employer's designated 12-month FMLA leave year (excluding military caregiver leave).

Qualifying Exigency includes any one or more of the following non- medical, non- routine activities and no others

- Short-notice deployment activities
- Military events and related activities
- Child care and school activities
- Financial and legal arrangements
- Counseling activities
- Rest and recuperation activities
- Post-deployment activities
- Additional activities

- a. Caregiver Leave allows an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the regular armed forces, national guard, or reserves (who has incurred a serious injury or illness in the Line of Duty while on active duty) to take FMLA leave to care for the service member.
 1. Maximum amount of leave is 26 weeks in a single 12-month period on a per-covered service member, per-injury/illness basis, measured forward from the date an employee first takes caregiver leave.
 2. During that single 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks.
- b. The provisions of this Act apply to officers who have completed twelve (12) months of continuous service and have completed 1,250 hours of work within the previous twelve (12) months.
- c. The amount of sick leave granted for parental leave or for necessary care of a sick member of an employee's immediate family will not exceed twelve (12) weeks per twelve-month (12) period without approval of the officer's commanding officer and the Chief of Police.
- d. Up to twelve (12) weeks of parental leave may be granted to care for a child at the time of birth or adoption.
- e. Officers who are married to each other are limited to a combined total of twelve (12) weeks taken for reasons other than personal illness, including parental leave.
- f. In all but emergency cases, officers requesting Family and Medical Leave will contact Safety Human Resources at least thirty (30) days in advance so that the eligibility process can begin.
- g. Safety Human Resources personnel will determine if the officer meets the eligibility requirements.
 1. Officers who are not eligible for Family and Medical Leave will be notified in writing and will be advised to seek other leave type options.
 2. Safety Human Resources will review the request and if approved, will forward an approval letter to the officer and the officer's commander or director.
 3. Officers who are approved for Family and Medical Leave will document if they want paid or unpaid FML time on the FML paperwork.
 4. Safety Human Resources will contact the officer to establish a calendar and discuss leave options. Safety Human Resources will enter the FML in the officer's calendar in TeleStaff.
- h. Officers requesting leave under the provisions of the Family and Medical Leave Act have the option of using unpaid leave in lieu of paid leave.
 1. When paid leave is elected, officers may designate the type of leave to be used.
 2. Officers who require more than twelve (12) weeks, or who do not have a sufficient sick leave, vacation time, compensatory time, or saved time may:
 - Apply for donated sick time – see OMS 505.15.
 - Petition the Chief of Police for a leave of absence without pay not to exceed one (1) month.
 - Petition the Civil Service Commission, through the chain of command, for a leave of absence without pay for longer than one (1) month.
- i. Officers on leave under Family and Medical Leave for an extended period of absence may apply to Safety Human Resources for a reduced or intermittent work schedule (i.e., a leave schedule that reduces the officer's usual number of hours per week, or hours per day). The officer may be required to transfer to another assignment to better accommodate the reduced work schedule. The Chief of Police has the ultimate authority to grant or deny a request for a reduced or

intermittent work schedule.

- j. Officers on Family and Medical Leave are not permitted to perform any secondary employment or non-police secondary employment work, without written authority from the Chief of Police. The authorization must be provided and kept on file with the Secondary Employment Coordinator.
- k. Officers using extended leave under the provisions of the Family and Medical Leave Act will return to work at their same position or equivalent.
- l. Return to work process:
 - 1. Prior to returning to work, if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer can perform the essential functions of his or her position. Officers will not be allowed to return to work until Safety Human Resources receives the Fitness for Duty Pass.
 - 2. Officers are required to complete any missed firearms qualification or required weapons certifications and achieve a passing score on the course of fire specified by the Firearms Unit, prior to working a line assignment, but no later than thirty (30) days after their return from Family and Medical Leave.
 - 3. Any officer who missed two or more firearms qualifications while on extended leave will attend remedial training if the officer fails to qualify upon their return.
 - 4. Officers are required to contact the Training Section to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

(4) EXTENDED PERIODS OF ABSENCE:

- a. See Collective Bargaining Agreement, Article 14.
 - b. All such leaves of absence will be without pay unless:
 - 1. The leave qualifies as FMLA leave and the member has accrued vacation leave, sick leave, accumulated sick leave, compensation time, saved vacation, or saved holiday which the member chooses, in writing, to apply to the leave or;
 - 2. If the leave does not qualify as FMLA leave, the member may use accrued vacation leave or sick leave provided the member requests, in writing, to use such leave, and such leave is approved, in writing, by the Chief of Police. Except for paid leave, and as otherwise required by law, leaves of absence will not count toward longevity or seniority in sick and vacation time will not accrue during the extended absence unless the officer elects to use a minimum of 15 days of accrued leave per month. See Collective Bargaining Agreement, Article 14.
 - c. To be eligible for an extended leave of absence, the member must have completed at least five (5) years of continuous service. The Chief of Police may make exceptions.
 - 1. The officer must complete the Leave of Absence Request Form which can be obtained through Safety Human Resources. The officer must then complete the form, obtain signatures through the chain of command, and then submit the form to HR.
 - 2. If the request for leave of absence is denied, the reason for denial will be provided to the officer in writing.
 - d. All extended periods of absence, including personal FMLA and disciplinary, will be subject to the following provisions:
 - 1. While on extended absence, the Chief of Police will hold all members of the classified service to the standard of conduct expected of an active member, regardless of the length of absence.
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2. Safety Human Resources will provide the officer with the Extended Leave Questionnaire (DPD 713) when the officer initiates contact to reinstate benefits and return to work. The Extended Leave Questionnaire must be completed prior to returning to work. The completed form will be given to the Limited Duty Coordinator for review, and if necessary, scheduling of exams.
3. No member of the department who has been continuously absent for ninety (90) consecutive days or more will be permitted to return to work until the reason for the extended period of absence and the responses to the Extended Leave Questionnaire are reviewed to determine if a fitness for duty evaluation is required.

Officers returning to work from FMLA leave must comply with the above section but are excluded from a fitness for duty evaluation. Officers returning from FMLA leave must submit a return to work pass, or if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer can perform the essential functions of his or her position. Officers will not be allowed to return to work until the Safety Human Resource Division receives the pass, or a fitness for duty evaluation will be required.
4. A fitness for duty examination may include: a medical/physical examination; a psychological examination; a background investigation; and/or a polygraph examination; as determined by the Limited Duty Coordinator. The Limited Duty Coordinator will consult with the Commander of the Internal Affairs Division on officers returning from disciplinary suspensions or if otherwise necessary. A mandatory drug and alcohol screen is required of all returning officers and will be scheduled by the Limited Duty Coordinator.
5. The Limited Duty Coordinator will complete the Review of Extended Leave Questionnaire (DPD 713a). Once the form is complete and includes the findings of any required exams, the entire packet will be brought to the Office of the Chief of Police for the Chief (or designee), to review for consideration of fitness for duty. The chief or designee will sign off, authorizing the officer to return to full duty, modified duty or provide further instructions.
6. Any officer who missed two or more firearms qualifications while on extended leave will attend remedial training if the officer fails to qualify upon their return.
7. Officers are required to contact the Training Division to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.
8. At the discretion of their commanding officer, officers returning to a patrol function may be temporarily assigned to work with a police training officer.
9. Officers who are on extended periods of absence for personal or disciplinary reasons, other than FMLA eligible leave, may elect to continue benefits.
 - a. First 30 days of leave without pay: The officer is responsible for only the employee portion of the insurance premiums.
 - b. First pay period following the 31st day of leave without pay: The officer may remain enrolled in the benefit plans, however, the officer is then required to pay both the employee and the employer portion of the insurance premiums.
 - c. Insurance premium payments during leave without pay must be made directly to payroll in order to avoid loss of coverage.

NOTE: During FMLA protected leave, officers are responsible for only the employee portion of the benefit premiums for the duration of the approved leave (not to exceed 90 consecutive days off).

505.09 MEDICAL / MODIFIED LEAVE SECTION

(1) DUTIES OF THE LIMITED DUTY COORDINATOR INCLUDE, BUT NOT LIMITED TO:

- a. Monitoring all officers in a medical leave or modified duty capacity. When there is any question regarding an officer's medical status, the Limited Duty Coordinator will direct the officer to provide a current medical report from the authorized treating physician addressing physical restrictions.
- b. Continually monitor officers on medical leave/modified duty to ensure that the officers are returned to full duty assignments at the earliest date that is medically authorized.

(2) OFFICERS ON MEDICAL LEAVE OR MODIFIED DUTY:

- a. Medical Leave – for officers who sustain injuries, illnesses, or for those who are pregnant and who are expected to be off work for more than five (5) days.
 1. All TeleStaff attendance records will be kept by their supervisors at their present assignment. The Limited Duty Coordinator will monitor the officer's schedule through TeleStaff.
 - If the leave is for a Line of Duty injury, the supervisors will choose Workers' Comp (W/C) as the work code in TeleStaff.
 - If the leave is for a non-Line of Duty injury/illness, the supervisor will choose the sick work code in TeleStaff, or the appropriate code if on Family Medical Leave.
 - In the notes field, please add the date of injury as well as whether the injury/illness was a Line of Duty (LOD) or non-Line of Duty (Non-LOD)
 2. Officers on medical leave will not perform secondary employment police work or non-police work unless receiving prior written authorization to do so by the Chief of Police.
 - Only secondary employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - The written authorization must be provided and kept on file with the Secondary Employment Coordinator.
 3. If an officer is unable to complete mandatory qualification at the range, and they had time to qualify prior to the injury/illness, they will submit a letter documenting the reason they have not qualified. This letter must then be submitted to the Limited Duty Coordinator.
- b. Modified Duty – for officers who sustain on-the-job or off-the-job injuries, illnesses, or are pregnant and will be in a temporary modified duty for any duration in length.
 1. All modified duty assignments will be offered to the officer in compliance with state law pursuant to the City and County of Denver modified duty policy. Any modified duty established for an officer at his/her present assignment will be reported to the Limited Duty Coordinator as soon as reasonably possible.
 2. All TeleStaff records will be managed by the officer's supervisor(s) at his/her present assignment or temporary assignment if moved. The Limited Duty Coordinator will monitor the officer's schedule through TeleStaff.
 - a. When an officer has experienced a Line of Duty injury/illness and is working reduced hours, supervisors will use the "Modified Duty" Work Code for the hours worked and the "Workers Comp" Work Code for the appropriate time the officer was off work.

- b. When an officer has experienced a non-Line of Duty injury/illness and is working reduced hours, supervisors will use the "Modified Duty" Work Code for the hours worked. For the time the officer was off work, supervisors will use the Work Code "Sick Time Used" or the appropriate Work Code if on FMLA.
 - c. In the notes field, add the date of injury and whether the injury/illness was a Line of Duty (LOD) or non-Line of Duty (Non LOD).
- 3. Officers on modified duty will not perform secondary employment police work or non-police work without prior written authorization from the Chief of Police.
 - a. Only secondary employment that does not violate physical restrictions provided by the authorized treating physician who is providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - b. The written authorization must be provided and kept on file with the Secondary Employment Coordinator.
- 4. Officers on modified duty will not be allowed to participate in any detective or specialized training program without prior written authorization from the Chief of Police.
 - a. Only detective or specialized training programs that do not violate the physical restrictions provided by the authorized treating physician providing primary care in a worker's compensation case will be considered for prior written authorization by the Chief of Police.
 - b. A written authorization must be provided and will be retained in the officer's personnel file.
- 5. If an officer is unable to complete mandatory firearms qualification following an injury/illness and there was time to qualify prior to the injury/illness, he/she will submit a letter explaining why qualification did not occur. This letter must then be submitted to the Limited Duty Coordinator, who will forward it to the Chief of Police for approval or denial.
- 6. Officers on Modified Duty must ensure they take all regular days off:
 - a. An 8-hour shift officer must use all eight regular days off in a period.
 - b. A 10-hour shift officer must use all twelve regular days off in a period.

(3) PREGNANT OFFICERS:

- a. It is at the discretion of the officer if and when she chooses to disclose a pregnancy to the police department. However, the nature of this employment may subject an officer to strenuous physical activity and potential hazards in the workplace. Therefore, a pregnant officer may request a temporary modification to her work assignment during her pregnancy, and if needed, for the physical recovery from childbirth.
- b. The officer should consult with her medical provider to determine the appropriate level at which she may perform her duties. The officer should provide the appropriate job description to her medical provider to accurately determine any limitations or restrictions that may be appropriate.
- c. The request for work assignment modification should be made in writing to the Limited Duty Coordinator and the officer's chain of command.
 - 1. The chain of command, in the officer's assigned division or district will review the request for approval. The request should contain any limitations or restrictions from the officer's medical provider as well as list any specialized skills or training that may assist in identifying the appropriate work assignment modification.

2. Upon approval from the officer's chain of command, the Limited Duty Coordinator will facilitate appropriate modifications to the officer's work assignment as soon as practicable.

(4) RETURNING TO DUTY – ON-THE-JOB INJURY

- a. Prior to being allowed to return to work, all officers will obtain a written return to work report from the physician who took the officer off work.
- b. The officer will be returned to the same or a similar assignment as held prior to the injury at the discretion of the Chief of Police.
- c. If the officer is in a modified duty status, the Limited Duty Coordinator may reassign the officer, in conjunction with the appropriate deputy chief, per his/her physician's recommendations. The Limited Duty Coordinator will confer with the city's Risk Management Unit to ensure that all state requirements are followed.
- d. Under no circumstance will the department provide an officer with a permanent modified duty assignment.
- e. When the recovery time to which an officer may be entitled under the collective bargaining agreement is exhausted, the officer must either:
 1. Return to full duty with a physician's release;
 2. Seek reassignment to a vacant civilian Career Service position, if the officer is disabled within the meaning of the ADA as amended; or
 3. Seek a disability pension. An officer not returning to full duty will be removed from the department's payroll.

505.10 LINE OF DUTY INJURIES

(1) COLLECTIVE BARGAINING AGREEMENT:

See Article 22.

(2) REPORTING INJURIES:

All classified service and CS employees of the Denver Police Department who are injured in the course and scope of employment are required to report the injury to the City and County of Denver's OUCH Line at 303-436-6824. The following procedure outlines the steps to be followed.

- a. Non-Urgent Injuries (those not needing immediate medical attention)
 1. If an employee believes he/she has sustained a Line of Duty injury, the officer will immediately report the injury to their supervisor and will call the OUCH Line before responding to a medical facility. This is a 24 hour a day, 7 day a week telephone line designated for taking the officer's report of injury. It allows a registered nurse to review the officer's physical problem and make treatment recommendations. Medical recommendations from the OUCH Line registered nurse may vary from self/home care to consultation with the Center for Occupational Safety and Health at Denver Health or at a Concentra clinic. It may involve a recommendation for urgent or emergency care when appropriate, based on the medical situation involved.
- b. Urgent Injuries (those needing immediate medical attention)
 1. In cases where obvious emergency medical attention is required, a request for emergency medical personnel will be made. An initial call to the OUCH Line is not immediately required.

2. When paramedic/ambulance personnel respond to the scene, they will evaluate the nature and extent of injuries. They may direct the injured officer to be taken to the nearest adequate medical facility.
Paramedic/ambulance personnel may be advised that the “divert status” of Denver Health Medical Center operating rooms is in effect. If necessary, the injured officer will then be transported to a participating alternate hospital.
3. A supervisor or command officer may determine the need for medical attention is so critical and the proximity to a physician or adequate medical facility is close enough that waiting for a Denver Health Medical Center ambulance is not practical. A police car may be used to transport the injured officer for medical assistance without delay.
4. As soon as an officer seeking emergency care is physically able, he/she should report the injury to the OUCH Line. If an officer is not able to complete this call within 24-hours of the injury, a supervisor or command officer will call the OUCH Line and report the claim on behalf of the officer.
- c. If the officer experiences additional problems from an injury/illness, he/she should visit their authorized treating physician immediately. The officer should also immediately notify his/her supervisor who will in turn notify the Limited Duty Coordinator.
- d. An injured officer/employee may not be reimbursed for medical treatment administered at any medical facility or by any individual unless the procedures outlined have been followed.

(3) PROCEDURES:

In the event of a Line of Duty injury, it is necessary for the following steps/forms to be completed and processed:

- a. The officer will call the OUCH Line to report the injury.
- b. Supervisor's Report of Accident or Incident (located in template drive under “DPD”) is completed by the injured employee's supervisor and forwarded to the Limited Duty Coordinator and Risk Management. The supervisor must complete this report as soon as possible following notification, and it must be submitted to Risk Management within 5 days of being notified of the injury.
- c. Return to Work Pass issued by the authorized treating physician providing primary care is required each time the officer/employee is seen by an authorized treating physician for the workers' compensation injury. The officer's supervisor will forward this report to the Limited Duty Coordinator.
- d. Other reports or information pertinent to the Line of Duty injury will be forwarded/routed by the officer's supervisor to the Limited Duty Coordinator.

(4) INJURIES DISCOVERED LATER:

Officers who may not be aware of injuries at the time of an incident, but who later experience physical symptoms, should notify their supervisor without delay. The officer will then call the OUCH Line and complete all necessary forms.

(5) POLICE DEPARTMENT RESPONSIBLE FOR HOSPITAL SECURITY REGARDING LINE OF DUTY INJURIES:

- a. When deemed necessary by the officer's division commander (or designee), and as soon as practical, an officer from the same assignment as the injured officer will be assigned as a guard during hospitalization.
- b. Personnel will be assigned in a shift concept to provide this protection on a twenty-four (24) hour basis.
- c. Termination of such protection will be at the discretion of the commander to which the injured officer is assigned.

(6) INVOICE OR REQUEST FOR PAYMENT:

Any officer receiving an invoice or request for payment related to a Line of Duty injury will contact the Limited Duty Coordinator. The Limited Duty Coordinator will assist in resolving responsibility for payment in a timely manner.

(7) NON-WORK RELATED ILLNESS:

If while on-duty an officer experiences a non-work related illness requiring medical attention, the officer will be excused from duty and should proceed to his/her personal health care provider. No workers' compensation documentation should be completed, and the OUCH Line should not be called. If an officer may not be able to drive themselves to a medical facility, a supervisor may arrange transportation.

(8) LIFE THREATENING NON-WORK RELATED ILLNESS:

If a non-work-related illness is potentially life threatening or results in loss of consciousness, emergency medical personnel will be immediately summoned for the officer.

(9) NON-WORK RELATED ILLNESSES AND INJURIES - LOSS OF TIME / LIMITED OR MODIFIED DUTIES:

In the case of a non-work related illness or injury which results in a loss of time or reassignment to limited or modified duties, the incident should be documented on a DPD 200 and forwarded to the Limited Duty Coordinator through the officer's chain of command.

(10) NON-WORK RELATED ILLNESSES AND INJURIES - FINANCIAL RESPONSIBILITY:

Since non-work related illnesses and injuries are not covered under Workers' Compensation, an officer will be responsible for any medical bills arising out of any care related to any non-work-related illness.

(11) RISK MANAGEMENT:

The city's Risk Management department will investigate and decide regarding work relatedness or eligibility for Worker's Compensation benefits on any claim/incident reported to them as potentially work-related.

505.11 LIMITED DUTY

(1) DEFINITIONS:

Work Related (Line of Duty) Injury: Any injury or occupational disease/illness that Risk Management, or the Office of Administrative Courts, has determined arose out of the course and scope of the performance of an employee's duties as a police officer.

Line of Duty '365' Pay Rule: See Collective Bargaining Agreement, Article 22.2.

Limited Duty: Any period when an officer is not able to perform all normal duties as a sworn officer because of a Line of Duty or Non-Line of Duty injury. This includes any time classified as salary continuation (worker's compensation) leave, modified duty time and all personal leave (vacation, Accumulated Sick Leave, holiday, compensatory time, leave without pay, etc.).

Salary Continuation Leave (Workers' Compensation): Time off from work due to work-related injury or occupational disease/illness granted by medical professionals and managed by Risk Management. Officers may use a maximum of 2080 Worker's Compensation hours per work related injury.

Modified Duty: A work assignment that is provided to officers to meet work restrictions imposed by medical providers during an injury recovery period or pregnancy (for work-related injuries and non-work-related injuries). This includes any restriction that limits the number of hours per day an officer may work. A maximum of 260 modified duty days will be granted per incident. Any partial use of modified duty time counts as "one day." While on modified duty, officers will work/be assigned to five eight-hour shifts per week, unless his/her medical restriction requires the officer to work fewer hours or shifts.

Non-Line of Duty Injury: Any injury that occurs while in an off-duty capacity where no police action was involved (did not arise out of the course and scope of a police officer's duties.)

(2) TOTAL USEABLE LIMITED DUTY TIME:

- a. An officer sustaining a work-related injury has two years of total usable limited duty time. Except for cases when an officer appeals a Worker's Compensation claim, his/her total usable Limited Duty time begins on the date of the injury and ends two years from the date of the injury. Any amount or combination of Workers' Compensation Leave, Personal Leave and Modified Duty time counts toward the total two-year maximum.
- b. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification Process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18). During this process, an officer may continue to work in a Modified Duty capacity and/or utilize Workers' Compensation time or personal leave time. After two years have passed from the date of injury, the officer will be separated from the department through medical disqualification.

(3) OFFICERS USING WORKERS' COMPENSATION AND PERSONAL LEAVE (NO MODIFIED DUTY):

Should an officer utilize ALL 2080 Workers' Compensation Leave hours and:

- a. Has not utilized any modified duty time for this injury; and
- b. Is still not cleared to return to a Modified Duty assignment by the Worker's Compensation medical providers:

The officer may request, through the Chief of Police, to utilize personal time to continue to recover from his or her injuries for a period not to exceed one year from the date of expiration of the 2080 Workers' Compensation Leave hours. The total amount of Limited Duty time the officer may use for any one work-related injury will not exceed two years from the date of injury. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18).

(4) OFFICERS USING WORKERS' COMPENSATION, PERSONAL LEAVE, AND/OR MODIFIED DUTY:

Should an officer utilize a combination of any portion of the 2080 Worker's Compensation hours, personal time (if approved by the Chief of Police), and Modified Duty, and is still unable to return to full-duty after two years from the date of the injury, the department may pursue the Separation through Disqualification process, including the opportunity for the officer to enter the Interactive Process at the 1 year and 9-month post-incident date (see OMS 505.18). During the Separation through Disqualification process, the injured officer may continue to work in a Modified Duty capacity until they reach the two-year post injury date or 260 modified duty shifts have been worked.

(5) FMLA DESIGNATION:

- a. As soon as an officer has reason to believe that he/she has sustained a serious illness or injury (as defined in OMS 505.08 (3)), whether work-related or not, and the officer is eligible for FMLA, the officer will apply for FMLA certification.
- b. Should an officer need to re-open a previously submitted work-related injury claim, and the officer is eligible for FMLA, the officer will apply for FMLA certification once the work-related injury claim has been re-opened.
- c. Should the Denver Police Department have reason to believe that an officer's absence from work is related to a FMLA qualifying condition, and the officer has not timely applied for FMLA certification, the department will force designate all such time as FMLA related.
- d. If an officer does not know whether they are eligible for FMLA, the officer should contact Safety Human Resources for additional direction and guidance.

(6) WORKERS' COMPENSATION DECISION APPEALS:

If an officer appeals a worker's compensation claim denial or treatment method, the usable Limited Duty time and Modified Duty time periods will be tolled from the date which the Application for Hearing is filed on the issue of compensability, or treatment, until the date on which a final decision on compensability, or treatment, is made through settlement or court decision.

(7) SEPARATION THROUGH DISQUALIFICATION:

- a. If the department deems it necessary to enter the Separation through Disqualification process for an officer, it will commence the sooner of either:
 1. 1 year and 9 months from the date of injury;
 2. At the 195th day of Modified Duty usage (of the allowable 260 days of Modified Duty), or
 3. The injured officer utilizes his/her full 2080 Worker's Compensation hours (plus any additional Personal Leave time approved by the Chief of Police).
- b. When the Separation through Disqualification process is initiated on the 195th day of Modified Duty, the officer can continue working in such a capacity through the 260th day of allowable Modified Duty time and be afforded the opportunity to enter the Interactive Process.
- c. Should the officer be cleared by a Workers' Compensation medical provider to return to full-duty while the Separation through Disqualification process is pending; the Separation through Disqualification process will cease and the officer will return to his/her full-duty status.

(8) NON-WORK-RELATED INJURIES:

Officers who are injured in a non-work-related incident will be granted no more than one year (from the date of injury) to return to full-duty capacity. Should the officer not return to full-duty within one year from the date of injury, he/she must file for separation from the department via retirement or resignation at the date of exhaustion of such time, or the department may initiate the Separation through Disqualification process. The department will afford the officer the opportunity to enter the Interactive Process (see OMS 505.18). While the retirement or Separation through Disqualification process is pending, the officer may use up to 60 days of Personal Leave time.

505.12 MEDICAL LEAVE AND/OR MODIFIED DUTY – RETURN TO DUTY

(1) CLAIM ACCEPTED BY RISK MANAGEMENT UNIT:

The officer's supervisor will enter the work code "Worker's Comp" in TeleStaff. No time will be deducted from an officer's sick bank for work absences due to a line of duty illness or injury, provided the officer submits a copy of the Return to Work Pass or Doctor/Therapy Appointment Verification Form to the Limited Duty Coordinator. Once time off is confirmed, the Limited Duty Coordinator will modify TeleStaff to reflect LOD-100% as the work code. If the Verification Form is not turned in to confirm the time off, sick time will be deducted.

(2) CLAIMS CONTESTED OR DENIED BY RISK MANAGEMENT UNIT:

Sick time will be deducted from the officer's sick bank. The officer may then submit a request to the Chief of Police through the Police Pension and Relief Board, requesting that his/her sick time be returned. See OMS 505.12.

(3) RECURRING INJURIES:

Officers with a recurring injury will follow the same guidelines as stated in OMS 505.10.

(4) LEAVE OF ABSENCE NOT TO EXCEED ONE (1) YEAR:

To the extent provided by the collective bargaining agreement, an officer who is disabled due to an admitted on-the-job injury/illness and rendered unable to perform those duties will be granted any necessary leave of absence not to exceed one (1) year. Every effort will be made to assist the officer

during the period of recovery. "Recovery" is interpreted to mean that the officer can return to full duty status, with or without reasonable accommodation.

- a. If an officer has the proper physician's medical release and can work in a temporary modified department duty assignment, he/she will be placed in such assignment, if available. If such a position is not available, the officer's supervisor, commanding officer or commander will contact the department's Limited Duty Coordinator. The Limited Duty Coordinator will work with the city's Risk Management Unit in locating a temporary modified duty assignment.
- b. An officer with a line of duty injury requiring medical attention for such injury at times other than during regular scheduled work hours will not be entitled to receive overtime pay or compensatory time for such time spent away from work. Situation permitting, the officer's commander may adjust the officer's work schedule to accommodate such treatment.
- c. If an officer is off work for a line of duty injury or illness during scheduled work hours, the department may designate such as leave pursuant to the Family Medical Leave (FML).
- d. If an officer receives an invoice or request for payment relating to medical care for a line of duty injury, he/she will contact the Limited Duty Coordinator who will assist in resolving responsibility for payment in a timely manner.

505.13 POLICE PENSION & RELIEF BOARD

(1) CONTESTED OR DENIED CLAIMS:

Upon receipt of the notice from the city's Risk Management Unit contesting or denying liability for claims of on-the-job injuries/illnesses, officers may contact Safety Human Resources to apply for the return of lost sick time. If the initial request to the city's Risk Management Unit was not filed within the (5 day) required timeframe as per OMS 505.10 (2) b., additional documentation must be provided to the Police Pension & Relief Board to justify the reason for the delay in reporting.

(2) APPLICATION:

The officer will complete an application to the Police Pension and Relief Board and attach any medical information to support his/her request.

(3) DEADLINE FOR SUBMISSION:

Within thirty (30) calendar days of receiving notification from Safety Human Resources of a claim denial (mailed to officer's home address), an officer will return the application and any additional supporting documentation to Safety Human Resources. The Pension Board will not consider applications relating to denied workers' compensation claims that are submitted for injuries that are 120 days or older.

(4) POLICE PENSION & RELIEF BOARD:

Safety Human Resources will forward all information regarding the injury to the investigating committee of the Police Pension for consideration.

- a. The Pension Board will then consider and evaluate the officer's request and make a recommendation to the Chief of Police (or designee) for approval or denial.
- b. The Chief of Police (or designee) will then make his/her decision on the application for the return of time based upon the information provided, taking the Pension Board's recommendation into consideration.
- c. Should the Chief of Police (or designee) approve an officer's application for the return of sick time, such approval will not be deemed as an admission of liability or acceptance by the city of the officer's worker's compensation claim.
- d. Should the Chief of Police (or designee) deny the officer's application for the return of sick time, the officer will have 30 days from the date of the denial letter to request a hearing before the

Pension Board to reconsider their recommendation. Written notice for the request to a hearing must be submitted to the Secretary of the Pension Board.

505.14 EQUAL EMPLOYMENT OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

(1) POLICY:

It is the policy of the department to provide equal employment opportunity to individuals with disabilities. This Rule is intended to comply with and be interpreted consistent with the Americans with Disabilities Act of 1990 ("ADA") as amended. This rule is also intended to comport with the requirements of the consent decree entered by the U.S. District Court in *United States v. City and County of Denver, et al.*, 96-K-370. CS employees are governed by the Career Service Rule involving reasonable accommodation for individuals with disabilities.

(2) DISABILITY DISCRIMINATION:

No member of the department will discriminate against a qualified individual with a disability because of the disability of such individual regarding job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, or privileges of employment.

(3) REASONABLE ACCOMMODATION:

The department will provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the department.

(4) QUALIFICATION STANDARDS AND DIRECT THREAT:

It is not a violation of this policy for the department to apply qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or selection criteria have been shown to be job related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation. Qualification standards may include a requirement that an individual will not pose a direct threat to the health or safety of the individual or other individuals in the workplace. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a reasonable accommodation.

(5) QUALIFIED INDIVIDUAL WITH A DISABILITY:

A disabled individual is an individual who has a physical or mental impairment that substantially limits one or more of the individual's major life activities. A qualified individual with a disability is an individual with a disability who can perform the essential functions of the position he or she holds or to which he or she seeks reassignment, with or without reasonable accommodation. Affecting a forcible arrest and firing a weapon are essential functions of all Classified Service positions within the department, regardless of rank or assignment. Other essential functions are included in the job descriptions for the Classified Service positions within the department or otherwise defined by the commanding officers.

(6) INTERACTIVE PROCESS:

The department will engage in the ADA interactive process upon notice of a police officer's need for reasonable accommodation. Such interactive process will be a flexible, informal process that involves both the department and the officer. Career Service may also be involved in the interactive process. The purposes of the interactive process will be to determine if the officer (1) is a qualified individual with a disability within the meaning of the ADA; and (2) if so, whether the officer can be reasonably accommodated in his/her position as a Denver police officer, or in a vacant Career Service position. The interactive process requires good faith participation from both the officer and the department. An officer who engages in bad faith in the interactive process may be denied a reasonable accommodation and, if applicable, disqualified from employment. The duty to engage in an interactive process is triggered by either of the following events:

- a. When an officer provides notice that he/she needs a reasonable accommodation for a physical or mental impairment including on or off the job injuries or illnesses, by suggesting to his/her superior officer, supervisor, manager, or personnel officer that he/she requires a reasonable accommodation or needs to change or modify the manner, extent, or method of his/her job duties or responsibilities.
 1. The officer may provide notice orally or in writing. The notice may be given in "plain English" and the officer does not have to use the words "reasonable accommodation," mention the ADA, or use any specific terminology to give notice; or
- b. When the department has actual or constructive notice that a police officer may have a disability for which that officer needs a reasonable accommodation. The department may be placed on such notice through its knowledge of the officer's hospitalization and treatment; placement of work restrictions on the officer by physicians; the officer's receipt of a permanent impairment rating under workers' compensation; or communication with family members, treating physicians, its own medical personnel, or medical personnel from the city's designated provider.
- c. Any superior officer, supervisor, or manager who receives notice of a request for reasonable accommodation will contact either Safety Human Resources or the Limited Duty Coordinator in writing within forty-eight (48) hours of receiving such notice.

(7) DISABILITY DETERMINATION:

- a. In making the determination that an officer has a disability within the meaning of the ADA and any resulting limitations, Safety Human Resources and/or the Office of Human Resources (OHR) may request and review medical records and other documentation in the possession, custody, or control of the officer who claims to have a disability or his/her health care providers. Safety Human Resources and/or OHR also may obtain an independent medical evaluation to gather information needed to make this determination. Such examinations and evaluations will be reasonable and paid for by the department.
- b. If the officer is determined not to be disabled as defined in this rule, disqualification proceedings will be initiated if the officer nevertheless is unable to perform the essential functions of position.

(8) REASONABLE ACCOMMODATION:

- a. If the officer is determined to be disabled within the meaning of Title I of the ADA, Safety Human Resources and the employee will endeavor to identify any reasonable accommodations the employee may need to perform the essential functions of his or her position.
- b. To determine whether an officer requires reasonable accommodation to perform the essential functions of his/her position, the department will undertake an individualized assessment of the officer's ability to perform the essential functions of his/her current job.
- c. This individualized assessment will include consideration of all relevant factors including the individual's background, knowledge, skills, abilities, and experience, and will determine whether the individual can perform the essential functions. The preferred option always will be a reasonable accommodation that allows the employee to remain in his/her existing job as a Denver police officer.

(9) REASSIGNMENT TO A VACANT CAREER SERVICE POSITION:

- a. If it is determined, during an interactive process, that a disabled officer cannot be reasonably accommodated in his/her position as a Denver police officer, Safety Human Resources will notify the officer of the availability of reassignment to a vacant Career Service position as a possible reasonable accommodation. OHR is not required to offer an officer with a disability a vacant reassignment position unless the officer agrees to be reassigned or conveys to his/her department a desire to remain employed despite his/her disability.
- b. The disabled officer will be offered a reassignment to a vacant Career Service position which is

equivalent in terms of pay and benefits or, if none is available, to a position of lower pay and benefits. The disabled officer must meet the minimum qualifications and requirements for the position as determined by OHR. The officer does not need to be the best qualified individual for the position to obtain it as a reassignment. If the officer is reassigned to a vacant position, the officer will be provided any reasonable accommodation necessary for the officer to perform the essential functions of the reassignment position. OHR will first attempt to identify a vacant Career Service position which is equivalent in terms of pay and benefits within the department. If none exists, OHR will attempt to identify a vacant position which is equivalent in terms of pay and benefits within another Career Service agency or department. If no equivalent position exists, OHR will attempt to identify a position of lower pay and benefits, first in the department, and then in another Career Service agency or department. It is solely within the city's discretion as to which vacant position to offer the employee.

A disabled police officer may exhaust all of his/her approved sick leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and other paid leave before requesting that the interactive process be initiated to explore reassignment to a vacant Career Service position as a form of reasonable accommodation. However, a disabled police officer may request reassignment to a vacant Career Service position as a form of reasonable accommodation prior to the exhaustion of all approved sick leave and other paid leave. OHR's responsibility to reassign a disabled police officer to a vacant Career Service position ends two (2) months after OHR has identified Career Service job classifications for which that officer is qualified. During the interactive process, an officer may decline a demotion reassignment position and request the Career Service Authority to continue looking for comparable vacant positions within the two-month (2) period.

However, if an officer declines an offer of a comparable position in terms of salary and benefits, the interactive process will cease and OHR will not be required to continue looking for suitable reassignment positions. If no vacant position becomes available during the two-month (2) period, disqualification proceedings will be initiated. The responsibility to engage in the interactive process may terminate earlier if the officer withdraws his or her request for a reasonable accommodation.

- c. In identifying a vacant position to which a disabled officer may be reassigned, OHR will analyze the officer's specific experience, skills, and background, and will also analyze the specific job duties of the vacant position by consulting with the department or agency in which the vacancy exists. If determined necessary, OHR will have a job analysis performed of the vacant position.
- d. If a disabled officer is reassigned to a vacant position, and the department or agency subsequently determines that the disabled officer is unable to perform the essential functions of the position, with or without reasonable accommodation, the interactive process will be resumed and OHR will attempt to identify another vacant position to which the disabled employee can be reassigned for a period not to exceed three (3) months.

The interactive process need not be resumed if the employee has performance problems in the position that are unrelated to his/her disability, or if the employee is dismissed as a disciplinary measure for misconduct.

- e. Before rejecting or denying a reasonable accommodation by reassignment to a job on the basis that the individual poses a direct threat to the health and safety of the employee or others, OHR will perform an individualized assessment of that individual's ability to perform safely the essential functions of the reassignment position. In making this determination, several factors will be considered, including but not limited to the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. OHR will consider input from the individual, the experience of that individual in previous

similar positions, medical judgment that relies on the best available objective evidence, the opinions of medical doctors and other professionals, or associates of the individual who have expertise in the medical condition involved, and/or direct knowledge of that individual's qualifications, or ability to perform the job.

- f. If OHR believes that an individual with a disability poses a direct threat to himself or herself or others, the employee will be advised of the reasons for the proposed rejection, including each essential function of the job which it has been determined the individual cannot safely perform, and the reasons why the individual cannot safely perform those functions. OHR will invite the individual to provide, within a reasonable time, additional information regarding his/her ability to safely perform the job, with or without reasonable accommodation, including but not limited to information from other physicians and information about the individual's current and recent physical capabilities. OHR will maintain records of all factors considered in reaching its final decision.
- g. Reassignment will not be to a position that constitutes a promotion.
- h. OHR is not required to reassign an officer to a vacant position if the officer does not have a disability within the meaning of the ADA. Nor is OHR required to reassign an officer who is totally disabled and unable to perform the essential functions, with or without reasonable accommodation, of any position in the Career Service.
- i. Reassignment is not available to officer applicants.
- j. OHR is not required to reassign an officer to a vacant position if the officer can still perform the duties of his/her present position, with or without reasonable accommodation.
- k. OHR is not required to create new positions to reassign an individual with a disability. Reassignment is limited to existing positions or to positions that become vacant in the Career Service within the two-month (2) period.
- l. OHR is not required to reassign an individual with a disability to a position for which the employee cannot perform the essential functions with or without reasonable accommodation or where the reasonable accommodation would pose an undue hardship.
- m. A reassignment of an employee, including recruits and officers in the Police Training Program, cannot be denied because he/she is designated as probationary. If, however, the probationary employee has never adequately performed the essential job functions, with or without reasonable accommodation, then the probationary employee is not entitled to reassignment because he/she was never qualified for the original position.
- n. Should an officer with a disability be reassigned to a vacant Career Service position as a form of reasonable accommodation, the officer will no longer be a Classified Service employee, but instead will be a new Career Service employee. Under this circumstance, the reassigned officer will be entitled to the pension given to Career Service employees after the appropriate number of years of service for vesting within the Career Service system. The reassigned officer is not entitled to retroactive vesting for this pension for his/her years of service as a Classified Service employee. This Rule does not prohibit the reassigned officer from purchasing service credits subject to procedures established by the Denver Employees Retirement Plan.

The reassigned officer's vacation days that he/she accrued as a Classified Service employee will not be carried over to the new Career Service position; however, the reassigned officer will be given monetary payment for such leave upon separating from the Classified Service in accordance with the operations manual and the collective bargaining agreement then in effect.

The reassigned officer will accrue vacation leave as a new Career Service employee. If the reassigned officer so wishes, the reassigned officer's sick days that he/she accrued as a Classified Service employee will be carried over to the new Career Service position up to the

maximum hours allowed by Career Service rules, or the reassigned officer may elect to accept a monetary payment for the accrued sick days upon leaving the Classified Service. An officer seeking reassignment to a Career Service position may be eligible to receive a pension from the Fire and Police Pension Association if he/she qualifies under FPPA rules.

- o. If an officer is reassigned to an equivalent or demotion position, the reassigned officer will be paid at the step closest to the one he or she earned in the Classified Service position.

(10) LEAVE WITHOUT PAY DURING INTERACTIVE PROCESS:

During the interactive process, if a disabled officer is unable to perform his/her existing job, the employee may use any available sick leave, vacation leave, compensatory leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and donated sick leave. If no such paid leave is available to the disabled officer, he/she will be provided with authorized leave without pay during the interactive process. This policy does not grant any additional sick leave or other paid or unpaid leave beyond what an officer would ordinarily be entitled to under the Denver City Charter, Denver Police Operations Manual, and the Collective Bargaining Agreement in effect, or any other personnel rule.

(11) RETALIATION AND COERCION:

- a. It is a violation of this rule to discriminate against any individual because that individual has opposed any act or practice prohibited by this rule or because that individual filed a grievance or appeal, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in this rule.
- b. It is a violation of this rule to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this rule (including, but not limited to, making a request for a reasonable accommodation).

(12) CONFIDENTIALITY AND RECORD KEEPING:

Information obtained during the interactive process regarding the medical history of an employee or applicant will be collected and maintained on separate forms and in separate files and be treated as confidential, except that:

- a. Supervisors, managers, human resources personnel, and other city employees involved in the interactive process may obtain access to such information on a need to know basis.
- b. Supervisors, managers, human resources personnel, and other appropriate city employees may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- c. First-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- d. Information may be given to the state worker's compensation offices, and state second injury funds, in accordance with the state worker's compensation laws.

505.15 DONATION OF TIME

(1) SEE COLLECTIVE BARGAINING AGREEMENT, ARTICLE 10.5

(2) STATEMENT OF INTENT:

The purpose of this policy is to allow officers (CS employees may not donate time to sworn personnel) of the Denver Police Department to assist a fellow officer who is facing the loss of salary because of a serious accident or illness, pregnancy/maternity, or any other emergency when the officer so affected requires an extended time away from work but anticipates returning to work. This section will not be construed to allow any unjust enrichment.

(3) DEFINITIONS:

Donor: The officer contributing time.

Donee: The officer receiving time.

Time: Sick leave or accumulated sick leave (ASL).

Donate: Offer of the donor to transfer time.

Credited: Entry of time into donee's TeleStaff time records.

(4) CONDITIONS:

Officers may donate sick or accumulated sick time to another officer, if the following conditions are met:

- a. The donor must retain a minimum of 240 hours of sick time.
- b. The donee officer may not receive time while off due to:
 - suspension,
 - leave of absence, or
 - voluntary leave without pay.
- c. Time donated between officers of different ranks will be converted to the pay scale of the donee.
- d. All donated time credited to the donee becomes the donee's time and will be used by the donee per OMS 505.08.
- e. The donee, in accepting such donated time, waives any right granted under charter, ordinance, or other law to have such time returned in cash.
- f. Once a donation is made and the conditions are met, Safety Human Resources will accept the donation and the donation will be irrevocable by the donor.

(5) PROCESS:

Any officer wishing to donate sick leave or accumulated sick leave (ASL) to a fellow officer must obtain a copy of the Donation of Sick Leave form (DPD 3) or the Donation of Accumulated Sick Leave form (DPD 3A) from Safety Human Resources. The donating officer will complete and return the form to Safety Human Resources.

- The form must be submitted through the officer's chain of command to his/her commander. If approved, the request will be forwarded to Safety Human Resource for processing.
- Commanders (or designee) will refer to OMS 505.02 regarding the vacation vote as this transfer of time may affect a previous vote now that both the donor and donee have altered their available leave balances.

505.16 HOLIDAY AND BIRTHDAY COMPENSATION

(1) SEE COLLECTIVE BARGAINING AGREEMENT, ARTICLE 11

(2) TELESTAFF WORK CODES:

- a. "Birthday"
- b. "HOLIDAY-Took Addt'l Day Off"
- c. "HOLIDAY-Regular Pay-No Addt'l Day Off"
- d. "HOLIDAY-Premium Pay-Worked Holiday"
- e. "Saved Holiday Used."

(3) BIRTHDAYS:

Birthdays will be used as additional time off by November 30th unless the officer's birthday falls in the month of December or the officer is using the birthday in conjunction with a voted December

vacation/ASL.

- Officers must take an additional day off.
- This time off can be used in conjunction with other time (e.g., saved holidays).

(2) OPTIONS – OFFICIAL HOLIDAYS:

- a. Officers who do not request an additional day off in the work period will receive holiday pay, in addition to regular salary for the holiday at the straight time rate.
- b. Commanders will arrange staffing assignments on holidays per workload requirements and prevent unnecessary payment of additional holiday premium pay.
- c. In accordance with CBA Article 11.4, officers are entitled to select up to four (4) holidays to be saved for later use. This selection must be made during the vacation vote. Officers may add this time to their vacation vote to allow for up to fourteen (14) days off, or may use them one day at a time, at their commander's discretion based on department needs.
- d. If an officer saves any holidays, they are not entitled to an additional day off nor do they have an entitlement to either the premium pay for work on the holiday or payment if the holiday observed falls on the officer's scheduled day off.
 1. Holiday saved time usage may be approved after the following elections have been prioritized:
 - Voted vacation and voted ASL
 - Regular days off
 - Day off used from any other leave bank
 2. Holidays that may be saved are:
 - Martin Luther King Day
 - Presidents Day
 - Cesar Chavez Day
 - Veterans Day
 3. Officers do not choose which holiday they will save. If they save one (1) day, it will be Martin Luther King Day. If they save two (2), they will save Martin Luther King Day and Presidents Day, etc. Officers will not be entitled to payment for saved holidays that fall after the date of separation from the classified service.
 4. At the discretion of the Chief of Police, holiday saved time must be used by November 30 of the same calendar year or the time will be lost. The only exception is if the saved time is going to be used in conjunction with a December vacation or ASL that was previously voted. Saved Holiday time used will be entered on the TeleStaff Calendar with the work code "Saved Holiday Used."

505.17 HAZARD DUTY PAY

(1) BOMB UNIT:

Officers specially trained and assigned to Bomb Unit duties will receive special hazard pay in addition to their regular salaries.

- a. Those officers assigned to the Bomb Unit will receive this pay each month.
- b. Those officers available as backups for the Bomb Unit will receive this pay only in a month in which they officially act in the capacity of a Bomb Unit detective.

(2) MOTORCYCLE UNITS:

Officers trained and permanently assigned to ride two wheeled motorcycles will receive special hazard pay in addition to their regular salaries.

- a. Officers permanently assigned to motorcycle units in the Traffic Operations Section and the Downtown Motorcycle Unit in District Six will receive this pay each month.
- b. Officers assigned in units where motorcycle duty is performed occasionally or semi permanently will receive this pay only when performed for 96 or more regular hours during the month.

(3) HELICOPTER:

The Helicopter Chief Pilot and all helicopter pilots will receive special hazard pay in addition to their regular salary.

(4) COMMANDER RESPONSIBILITY:

Division and district commanders (or designee) with personnel entitled to hazard pay will provide a letter, detailing those officers to receive this compensation, to Safety Human Resources and Payroll, twice per month.

- a. Letters must reach Safety Human Resources and Payroll by 3:00 p.m. every 1st and 16th of the month for payment on the next payday.
- b. Commanders (or designee) must exercise care to determine this benefit. This benefit is per pay period, not work period. For those officers performing designated hazardous duty occasionally or semi-permanently, preparation of the letter may not be possible before 3:00 p.m. every 1st and 16th of the month. In such cases, payment will occur during the following pay period.
- c. No officer will receive hazard pay in any month unless a letter is provided to Safety Human Resources and Payroll.
- d. Hazard pay is disbursed 24 times per year (twice per month). In the months with three paydays, hazard pay will only be disbursed on the first two paydays.

505.18 SEPARATION THROUGH DISQUALIFICATION

(1) DISQUALIFICATION WITHOUT FAULT:

Disqualification is the separation, without fault, of an officer of the Denver Police Department who is determined to have one (1) or more of the following conditions:

- a. Post Appointment Incapacity: When an officer becomes unable to perform the duties of the position because of mental or physical incapacity.
- b. Necessary Special Requirement: When a job specification lists necessary special requirements and the officer fails to meet those requirements.
- c. Legal Requirements: When the law requires a license or other authorization to perform the duties of a position and the member does not have the required authorization.

(2) PROCEDURE:

- a. Prior to disqualifying an officer of the Denver Police Department, the department will offer the officer applicable leave entitlement and will, if such impairment is due to a qualifying disability as defined in the Americans with Disability Act (ADA) as amended, have attempted to make reasonable accommodations. Such reasonable accommodations may include, if appropriate, reassignment to a vacant CS position within the meaning of the ADA as amended.
- b. When disqualification is contemplated, the following procedures will be followed:
 1. The officer will be given written notification that disqualification is being considered. The notification will include the reason for the disqualification considered, including the facts which are believed to justify the disqualification, and notice of a meeting at which the officer will be given the opportunity to present information related to the contemplated

- action. The officer will also be notified that he/she may have a representative present.
2. The written notification will be hand delivered to the officer no less than five (5) days prior to the meeting or mailed to the officer's last address of record no less than ten (10) days prior to the meeting.
 3. The pre-disqualification meeting will be presided over by the Chief of Police (or designee). Service of the written notification will be reviewed and the officer, or his/her representative, will be given the opportunity to respond to the assertions of the contemplation letter and, if appropriate, present ideas for possible accommodation.
- c. No more than fifteen (15) days after conclusion of the contemplation meeting, the Chief of Police (or designee) will issue a written recommendation concerning the disqualification. Any recommendation to disqualify the officer will be sent, along with other relevant information, to the Executive Director of Safety for final approval.
 - d. The Executive Director of Safety will decide on the disqualification within fifteen (15) days of the date of the Chief's (or designee's) recommendation. No disqualification will become effective without a written order of approval from the Executive Director of Safety.

(3) APPEAL:

A separation based on disqualification may be appealed in accordance with Rule XII of the Civil Service Commission Rules. However, the appeal will not prevent the separation from becoming effective.

(4) RE-EMPLOYMENT:

- a. An officer who has been separated because of disqualification will be entitled to the same re-employment rights as an officer who has separated under honorable circumstances, pursuant to department rules and the Denver City Charter, if the former officer demonstrates to the Chief of Police, the Executive Director of Safety, and a majority of the Civil Service Commission that the former officer can perform the essential functions of the position.
- b. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.

(5) CONFIDENTIALITY OF INFORMATION:

Whenever information pertaining to a disability is gathered as part of the disqualification process or to attempt an accommodation, such information will not be disclosed except to medical personnel, and/or supervisory or administrative personnel necessary for the implementation of this rule and the administration of the department.

505.19 REEMPLOYMENT OF FORMER DENVER POLICE OFFICERS

(1) SEPARATED UNDER HONORABLE CIRCUMSTANCES:

Officers who were separated under honorable circumstances may be reemployed upon meeting each of the following criteria:

- a. Obtain written approval by the Chief of Police, the Executive Director of Safety, a majority of the Civil Service Commission, and complete any other examination requirements as determined by Civil Service Commission rules, statutory requirements, and requirements of the Department of Safety.

(2) GRADE:

Reemployed members will be reemployed at the highest rank previously held, but not higher than police officer 1st grade.

(3) SENIORITY:

Reemployed officers will retain the seniority they had at separation, but no seniority will be granted for the

time during which they were separated, and service will not be construed as continuous. Re-employed officers will vote based upon their adjusted continuous service date.

(4) REEMPLOYMENT DENIED:

In the event the approval of the Chief of Police, the Executive Director of Safety, or the Civil Service Commission is not granted, the former officer will have no right to seek review of that decision before the Civil Service Commission, the Chief of Police, or the Executive Director of Safety.

(5) CONSIDERATION FOR REEMPLOYMENT BASED ON THE FOLLOWING:

- a. Applicants will be considered for reemployment if they had reached 1st grade and not exceeded three (3) years from the time of separation to the time of reemployment.
- b. An applicant must apply before 2½ years of separation. If no vacancies are available, the applicant will be placed on a list not to exceed the three (3) year requirement for reemployment.
- c. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.
- d. Application will be in the form of a letter addressed to the Chief of Police requesting reemployment.
- e. All applicants will be subject to a preliminary review of previous employment to determine their status at the time of separation.
- f. If an individual seeking reemployment has been separated for at least ninety (90) days, the Civil Service Commission will, at a minimum, expect the individual to successfully complete the following processes to the satisfaction of the commission:
 1. Psychological evaluation or examination
 2. Background investigation, including a polygraph examination
 3. Medical evaluation or examination, including a drug screen
- g. Officers reemployed by the Denver Police Department will be assigned to a police training officer upon assignment to a patrol district. The district training coordinator will assess the needs of the individual and devise a documented training program sufficient to address those needs. Failure to successfully complete the designated training program will be grounds for immediate dismissal.

TRAINING BULLETINS



Training Bulletin

PAUL M. PAZEN, CHIEF OF POLICE

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FIRST AMENDMENT AND FREE SPEECH

(6/10/2019 - Update highlighted below. Updates include additional examples of prohibited conduct, and clarification that First Amendment protections are extended to criticism and recording of all public employees in addition to law enforcement).

There has been a recent increase of individuals/groups in the Denver Metro area conducting "First Amendment Audits." "First Amendment Audits" are typically conducted by individuals who film encounters with law enforcement officers or other public officials in publicly accessible areas, including city buildings, courthouses, and public areas where government employees (not always law enforcement) are conducting business. If the individual believes his or her First Amendment or other protected rights have been violated, the encounter may be posted online and may also serve as the basis for the filing a lawsuit asserting that their constitutional rights were violated during the encounter. These individuals may refuse to identify themselves when asked. "First Amendment auditors" have already performed several "audits" in a variety of locations throughout the Denver Metro area, including the 16th Street Mall and inside or outside of government buildings. The following guide was created to advise officers on how to respond when contacting an individual or individuals who are conducting a "First Amendment audit."

During the course of your duties as police officers, you may encounter individuals who are attempting to film you or other public employees, or who may insult you or the public employee in an attempt to provoke a response. When that happens, remember that criticism, insults, profanity, obscene gestures, and disparaging comments by themselves are protected by the First Amendment.

The First Amendment protects a significant amount of verbal criticism directed at police officers or other public employees. Remember that all individuals have the right to record police officers and public employees in public places. Additionally, unless recording is specifically prohibited, individuals may not be prevented from recording in public places or within government buildings. However, the individual does not have the right to interfere with an officer's ability to perform his or her job and reasonable parameters may be placed to ensure that the citizen's recording is not interfering with your ability to perform your job. Also, individuals do not have the right to create physical or verbal impediments to courthouse business or efficient operations of a public office.

THE INDIVIDUALS MAY NOT

- Touch an officer
- Gain access to a restricted area or building
- Disobey a lawful order to maintain a reasonable distance so that you can do your job
- Directly threaten an officer
- If the individuals are in a public building, they cannot interfere with the staff's ability to perform their jobs and they cannot block entrances and exits

NOTE: CONTENT OF SPEECH BY ITSELF MAY NOT BE THE BASIS OF A CITATION OR ARREST UNLESS IT IS A PHYSICAL THREAT

FIRST AMENDMENT AUDITS

Date of issue: June 6, 2019 (Updated 06/10/2019)

Source: Denver City Attorney's Office

If one or more of the above occur or if the individual is violating the law, the officer may charge the individual. Some of the charges may include:

CONDUCT	CITY CODE (D.R.M.C. section)
Entering a restricted area	Trespass (38-115) or (CRS 18-4-504) Interference with Police Authority (38-31)
Refusing to leave when asked or ordered to by a person with authority over the private property.	Trespass (38-115)
Approaching an officer conducting business and does not stop approach and/or back-up when asked or so ordered to and that failure actually interferes with the officer completing his/her duty safely.	Interference with Police Authority (38-31)
Repeatedly calling an officer or police employee when not reporting an emergency and told to stop calling.	Disturbance by use of Telephone (38-91)
Blocking access or movement for the officer.	Interference with Police Authority (38-31)
Threatening violence or physical force.	Threats (38-92(a))
Hindering or impeding public employees from performing their jobs.	Obstructing government operations (CRS 18-8-102) Public buildings—trespass, interference (CRS 18-9-110)
Refusing to obey the rules established for a government building, such as a prohibition on recording.	Unlawful conduct on public property (CRS 18-9-117)

WHAT IS PROTECTED SPEECH UNDER THE U.S. CONSTITUTION?

PROTECTED SPEECH	NOT PROTECTED SPEECH
<ul style="list-style-type: none">➤ Criticisms of the officer, the Department, the city, or the employee➤ Curse words (not included with a true threat)➤ Name calling➤ Using the middle finger➤ Yelling/raised voice➤ Offensive language➤ Insults to others not involved in the situation	<ul style="list-style-type: none">➤ Threats (“I’ll kill you if you touch me.”) AND the officer reasonably believes they will be harmed.➤ Challenges to fight AND the officer reasonably believes the individual intends to fight.

TIPS AND PRACTICAL GUIDANCE

When you find yourself in this type of situation:

- Notify a supervisor when reasonably possible.
- Turn on your body-worn camera.
- Give the individual an opportunity to comply.
- **Do not engage. Do not take the bait.** That is what they want you to do.
- If the individual is interfering with your ability to do your job, clearly instruct them to back away a reasonable distance and tell them that they are interfering with your job.
- Be aware of any sensitive information on work spaces, including computers and MDTs.

DOCUMENTATION

When writing your report of the incident:

- Be very specific and detailed when describing
 - the conduct
 - the instructions you gave
 - how many times you gave the instruction
 - how the person failed to obey the instruction
 - space descriptions
 - other individuals in the area, etc.
- Focus on the physical conduct. The words used can be referenced in your report for necessary added context. However, they should not be used alone as the reason for the charge *unless* the words are a threat of violence.

EXAMPLES OF CLEAR INSTRUCTIONS

- “Sir. Your yelling is so close and so loud that I cannot continue to talk to this citizen and respond to this call. Please stop or move over to that lamp post so I can continue my work.”
- “You may continue to record/videotape, but I need you to move away from this area so I can continue to address this situation without interference. If you stand near that stop sign or in the area of the stop sign, that would be fine.” (The exact distance will depend on the specific situation and location. Each officer should determine the minimum amount of space they need to feel safe and complete their duties.)
- “Please stop following right behind me. I need you to back up at least 10 feet to give me personal space. You are making me feel threatened and interfering with my duties.”
- “You are welcome to continue to protest, but you need to move to the other side of the lobby [street/parking lot/room] so people can continue to do business with [entity] as you are blocking the entrance.”
- “I have given you a lawful order. If you keep interfering with my [investigation/work], I’m going to arrest you for [charge].”

This training bulletin is not meant to be all inclusive or cover every situation that may arise when a person is exercising his or her rights to free speech and expression. Officers should use their own discretion as these situations arise.

If you have questions or need advice regarding this material, please contact one of the following individuals before taking action

Marley Bordovsky: 970-441-0555

Allison Rocker: 303-906-9558

Emela Jankovic: 510-207-2227

References:

DPD Training Bulletin - First Amendment Considerations

DPD OMS 107.04 - Search and Seizure of Electronic Recording Devices



Training Bulletin

PAUL M. PAZEN, CHIEF OF POLICE

Date of issue: October 6, 2021

Source: Paul M. Pazen, Chief of Police

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EQUAL EMPLOYMENT OPPORTUNITY POLICIES

Background:

The department has recently received complaints from personnel that include various examples of inappropriate behavior, such as unwelcome touching, blocking normal movement, offensive comments, verbal abuse, and threats. This Training Bulletin is issued as a reminder that this department does not condone such behavior and takes these allegations seriously. Everyone must be treated with dignity and respect. Please review the **Department of Safety EEO Policy** and **Career Service Rule 16-22 E**, both of which provide examples of prohibited behavior and instruction for reporting rule violations. Please note that department of safety employees are required to promptly report potential EEO violations, and that the policies provide officers and civilians several channels of reporting. To further address these concerns, we will be conducting additional training in the near future.

117.05 Department of Safety EEO Policy (Applies to both Sworn Officers and Civilian Staff)

OMS 117.05 of the DPD Operations Manual protects sworn officers, career service employees (i.e. civilians) and contractors from discrimination and harassment and provides direction on reporting. The full text of OMS 117.05 is listed below:

It is the policy of the Department of Safety that its employees (both civilian and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race (to include hair texture, hair type, or protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps), color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.

- (1) Examples of on-duty or off-duty conduct that could violate this policy include but are not limited to:
 - a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
 - b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
 - c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
 - d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
 - e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
 - f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.
- (2) Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.
- (3) All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
 - a. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command;
 - b. The Internal Affairs Bureau for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week);
 - c. The Human Resources Bureau for the reporting employee's or offending employee's agency;
 - d. The Manager of Safety's EEO Coordinator; and/or
 - e. The Career Service Authority Employee Relations Unit.

EQUAL EMPLOYMENT OPPORTUNITY POLICIES

Date of issue: October 6, 2021

Source: Paul M. Pazen, Chief of Police

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Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative shall not constitute reporting of a potential policy violation, nor shall it be considered legal knowledge or notice to the City or Department of Safety.

A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.

- (4) Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Manager of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity shall not constitute reporting or notice to the agency, Department of Safety, or City.
- (5) The Department of Safety maintains "zero tolerance" regarding violations of this policy, meaning the Department will not knowingly tolerate acts of discrimination, harassment, or retaliation. Allegations about potential violations of this policy will be taken seriously and the Department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.
- (6) Retaliation is strictly prohibited against employees who have in good faith:
 - a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
 - b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or
 - c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint or providing a witness interview during an investigation.

Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above-listed protected activities. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from co-workers, and escalating harassment. Any Department of Safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

The intent of this policy is to ensure that the Department of Safety take immediate and proper action to eradicate harassing, discriminatory or retaliatory behavior regardless of whether the behavior violates federal or state law.

Career Service Rule 16-22 E provides additional instructions for civilian staff:

E. Reporting Alleged Discrimination, Harassment, or Retaliation

1. Experiencing Discrimination, Harassment, or Retaliation:

- a. If an employee is subjected to discriminatory, harassing, or retaliatory behavior from a co-worker, another City employee not in the employee's chain of command, or an individual the employee encounters while performing their duties who is not employed by the City, the employee is strongly encouraged to:
 - i. Make it clear to that person the behavior is offensive or makes the employee uncomfortable and ask that individual to stop; if the inappropriate behavior happens again, the employee must report the behavior to a supervisor and/or a human resources representative, or both; or
 - ii. Report the behavior to a supervisor, a human resource representative, or through any mechanism set up by the City for reporting such complaints, or all the above; or If the individual alleged to have committed the discriminatory, harassing, or retaliatory behavior is a City employee:
 - iii. Request mediation by contacting OHR (see CSR §18-20); or
 - iv. File a grievance by completing the OHR grievance form and delivering the grievance form to the appointing authority or an HR representative of the employee's department or agency (see CSR § 18-30), unless the adverse employment action is subject to direct appeal (see CSR § 19-20 or § 20-20 (Deputy Sheriffs)).

EQUAL EMPLOYMENT OPPORTUNITY POLICIES

Date of issue: October 6, 2021

Source: Paul M. Pazen, Chief of Police

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- b. If an employee is subjected to discriminatory, harassing, or retaliatory behavior from a supervisor in the employee's chain of command, the employee is encouraged to:
 - i. If the employee feels comfortable doing so, address the behavior with that supervisor directly, explain that the behavior is offensive or makes the employee uncomfortable, and ask the supervisor to stop; or
 - ii. If the employee doesn't feel comfortable speaking to the supervisor directly about the behavior, or has done so already and either the behavior hasn't stopped or the employee is being subjected to retaliation, promptly contact a human resource representative or another supervisor to report the behavior; or
 - iii. Request mediation by contacting OHR (see CSR §18-20); or
 - iv. File a grievance by completing the OHR grievance form and delivering the grievance form to the appointing authority or an HR representative of the employee's department or agency (see CSR § 18-30), unless the adverse employment action is subject to direct appeal (see CSR § 19-20 or § 20- 20 (Deputy Sheriffs)).
- c. Department of Safety employees may also report discriminatory, harassing, or retaliatory behavior to Safety HR or their department's Internal Affairs division.

If you have questions about these policies, please contact Employee Relations Specialist Becky Lambert, 720-865-8820, becky.lambert@denvergov.org or May Xiong, 720-772-0813, may.xiong@denvergov.org.



Training Bulletin

PAUL M. PAZEN, CHIEF OF POLICE

Date of issue: April 14, 2021

Source: Commander Hans Levens, Conduct Review Office

Charles Greenlee, Management Analyst Associate, Conduct Review Office

Kristin George, Assistant City Attorney, City Attorney's Office, Litigation Section

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FREEDOM OF SPEECH FOR GOVERNMENT EMPLOYEES

(This Training Bulletin, prepared by attorneys, is intended for educational purposes. It is not legal advice. It does not form an attorney-client relationship. Readers having questions about their legal rights should consult an attorney of their own choosing.)

Government employees have free-speech rights under the First Amendment,¹ but these rights are not unfettered. The Denver Police Department's or the City's interest in maintaining an efficient, harmonious workplace may outweigh your right of free speech.

As an employee of the City and County of Denver, you represent the City and the Department—certainly on the clock, but you can also represent the City/Department off the clock by what you say or the context in which you say it. This is why we have the policies listed below. These policies were drafted keeping in mind how courts would consider government employees' assertions of their free-speech rights if the matter was to come to a lawsuit. Courts administer the following test in evaluating whether a government employer properly limits or punishes government-employee speech:

Was the government employee speaking pursuant to her or his official duties? If the answer is "yes," then the government employee has *no* First Amendment protection and may be disciplined for that speech. The "official duties" test looks at whether the speech is within the scope of what you were hired to do, not necessarily whether you were on the clock or in uniform. So, be sure what you say pursuant to your official duties is in line with the Department's mission and values. When in doubt, ask.

If the answer to the above question is "no," the court moves to the next step(s):

Was the government employee, as a private citizen, speaking on a matter of public concern? The Supreme Court has held that speech is of public concern when it can "be fairly considered as relating to any matter of political, social, or other concern to the community."² If the answer to the public-concern question is "no," the government employee receives *no* First Amendment protection, as above. If the answer to the public-concern question is "yes," courts evaluate whether the government's interests, as an employer, in promoting the efficiency of its public service are sufficient to outweigh the employee's free-speech interests. Because the Denver Police Department is a paramilitary organization, courts give more deference to the department's interests than it does to non-paramilitary government agencies.

The complexities of this test are beyond the scope of this Training Bulletin. Know, however, that it's easy for government employees to come out on the wrong side of it.

Denver Police Department employees who identify/are identified as such and make statements implicating the Department's interests can also make news headlines. Any such statement not preauthorized by the Department will be evaluated for policy compliance. Denver Police Department employees who make statements, usually but not always on social media, that negatively impact the workforce will also be investigated for policy compliance. Please take the time now to re-familiarize yourself with the policies below. Remember: it is *always* better to ask for guidance if you believe that, or are in doubt whether, what you intend to say will negatively affect the Department's or the City's interests.

¹ "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." U.S. Const. amend. I. The First Amendment applies to state and local governments through the Fourteenth Amendment.

² *Connick v. Myers*, 461 U.S. 138 (1983).

FREEDOM OF SPEECH FOR GOVERNMENT EMPLOYEES

Date of issue: April 14, 2021

Source: Commander Hans Levens, Conduct Review Office

Charles Greenlee, Management Analyst Associate, Conduct Review Office

Kristin George, Assistant City Attorney, City Attorney's Office, Litigation Section

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Policy Examples:

OMS 110.06 (5) – Social Media – Department Employee Personal Use – Precautions and Prohibitions

Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech and expression does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among coworkers, adversely impact the disciplinary process, or cause disruption to the department, or to any other city agency.

As public employees, department personnel are cautioned that speech, on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline. Department personnel should assume that their speech and expression, and related activity on social media sites will reflect upon their official capacity and this department.

OMS 117.01 (5) – Political Activities – General:

No officer will be prohibited from engaging in political activities, except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his/her official capacity, provided such activities do not impede or impair the efficient operation of the department.

OMS 117.03 – Political Activities – Laws and Rules and Regulations

Prior to engaging in political activities, officers will ascertain that such activities are legally permissible, in compliance with departmental rules and regulations and the secondary employment procedure, and are compatible with their position and duties as police officers.

RR – 128.2 Impartial Attitude – Bias

Members, while enforcing the law, must maintain a strictly impartial attitude toward complainants and violators, regardless of race, color, creed, national origin, gender, age, sexual orientation, ancestry, physical or mental disability, marital status, military status, political affiliation, or religion.

RR – 105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.



Training Bulletin

PAUL M. PAZEN, CHIEF OF POLICE

Date of issue: April 19, 2021

Source: Commander Michael O'Donnell, Special Operations Bureau

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CROWD MANAGEMENT OVERVIEW

As an agency, we have faced numerous unique challenges related to protests and riots in 2020. The purpose of this training bulletin is to provide a brief overview of the philosophy and principal changes to crowd management. Many of these topics have also been addressed in the Use of Less Lethal training video assigned to be reviewed by all officers. We will provide quarterly in-person trainings to ensure understanding and will work with our partner agencies to host joint trainings in the future. The overall police mission when responding to planned and spontaneous crowd management situations is to:

- Protect life and safeguard property by taking law enforcement action when it is appropriate based upon the circumstances and in the public interest
- Provide for the safety of protest participants, bystanders, and passersby

Deployment Plan:

When responding to a crowd management event, all officers will be divided into teams and deployed as needed. Deployed officers should monitor demonstration or protest activities for illegal acts. When reasonably possible, a supervisor should be advised prior to taking any action that involves the use of force. The benefit of taking immediate action to stop the illegal conduct should be weighed against the possibility of further inciting the crowd and possibly creating a more serious breach of the peace. Should immediate action be determined to be appropriate under the circumstances, the overall response must comply with the guidelines established in the Denver Police Department Crowd Management Manual.

Body Worn Cameras:

All sworn officers deployed to a demonstration—regardless of rank—must have their body-worn cameras recording any and all acts of confrontation between police officers and others. The BWC must be properly affixed to the outermost garment. No sworn officer shall intentionally obstruct the camera or recording at any time. BWCs should also be used for:

- Narrating actions while using or immediately after using less lethal force using the LOVID model
- Supervisors recording any debriefing between deployments
- Recording all dispersal orders using the approved narrative

Changes to Less Lethal Force:

- The use of 40mm in crowd management situations is prohibited
- The use of sting ball grenades and Noise Flash Diversionary Device (NFDD) are not permitted for use in crowd management situations
- The direct impact use of the PepperBall® system requires Active Aggression or Aggravated Active Aggression but can be used towards the ground or an area of space in situations of Defensive Resistance
- SABRE MK-60 high stream OC aerosols were purchased for deployment in volatile crowd engagements. These platforms use the existing dispersal mechanism, so no additional training was necessary for immediate use and Command Officers were briefed on the effectiveness and limitations for immediate deployment
- Use of Force (DPD12) reports must be completed by the end of the shift for any less lethal deployments, including personal issue OC

After Action Report:

Any officer deploying chemical agents or using force during a crowd management event is expected to comply with use of force reporting requirements. Arrests, all uses of force, and any other pertinent event information will also be reported to the Incident Commander as soon as practical. One After Action Report for the event will be completed by a command officer in the command post. A completed copy of the Protest Activity Checklist should be included with the After-Action Report.

Professionalism:

CROWD MANAGEMENT OVERVIEW

Date of issue: April 19, 2021

Source: Commander Michael O'Donnell, Special Operations Bureau

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We recognize that large crowd management events, particularly those that become riotous, may be extremely challenging and present significant safety concerns for the officers involved and the peaceful protestors who are present. As law enforcement professionals, all officers are expected to convey the message that their presence is to protect the crowd participants and their right to demonstrate peacefully. Officers should remain neutral to the peaceful participants, refraining from engaging in conversations or making utterances that may jeopardize the police mission and fall short of community and department expectations. Officers will not respond to comments or otherwise engage with the crowd members who are intending to bait an officer or officers into a dispute or altercation. While we may not always be able to predict how or when civil disturbances arise, officers should remember that we do have the ability to always respond in a professional manner that demonstrates our commitment to the Denver community—regardless of the circumstances presented.



Training Bulletin

PAUL M. PAZEN, CHIEF OF POLICE

Date of issue: May 19, 2012 (Revised February 17, 2016; February 21, 2018; February 06, 2020)

Source: City Attorney's Office

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D.R.M.C. 38-86.2 – UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY PROHIBITED

Important: This ordinance does not make the status of homelessness illegal; rather, it prohibits the specific conduct of unauthorized camping. A person's status of being homeless is irrelevant to the determination of whether the ordinance is violated.

When faced with a suspected unauthorized camping situation, it is important for officers to recognize the initial focus must be on ascertaining whether the person is camping as defined in the ordinance, and directing the person toward services, if appropriate. Citing or arresting a person for violating this ordinance should be the resolution of last resort. In all situations, barring "life threatening" circumstances, a citation or arrest should not occur if an individual is in need of a homeless shelter or bed, expresses a willingness to accept homeless shelter assistance, and the officer is notified that shelter space is not available or the officer is unable to ascertain the availability of a shelter.

When enforcing this ordinance, Denver police officers will not seize tents, tarps, blankets, sleeping bags, or other camping related items. Evidence of unauthorized camping will instead be documented through video and photographic means. If the enforcement of this ordinance results in a custodial arrest, camping related items will be thoroughly documented through videos and photographs and then treated as personal property.

The following reflects newly enacted revisions to the Denver Revised Municipal Code, regarding the contact, evaluation, referral, citation/arrest and prosecution of parties engaged in camping on public or private property.

Sec. 38-86.2. Unauthorized Camping on Public or Private Property Prohibited.

- (a) It shall be unlawful for any person to camp upon any private property without the express written consent of the property owner or the owner's agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.
- (b) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property in question.
- (c) No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:
 - (1) The officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section; and
 - (2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being

UNAUTHORIZED CAMPING PROHIBITED

Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; February 06, 2020)

Source: City Attorney's Office

cited or arrested for a violation of this section. If the officer is unable to obtain the assistance of a human services outreach worker, if the human services outreach worker determines that the person is not in need of medical or human services assistance, or if the person refuses to cooperate with the direction of the human services outreach worker, the officer may proceed to cite or arrest the person for a violation of this section so long as the warnings required by paragraph (1) of this subsection have been previously given.

(d) For purposes of this section:

(1) "Camp" means to reside or dwell temporarily in a place, with shelter.

(a) The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

(b) The term "reside or dwell" includes, without limitation, such activities as eating, sleeping, or the storage of personal possessions.

(2) "Designated human service outreach worker" shall mean any person designated in writing by the manager of the Denver Department of Human Services to assist law enforcement officers as provided in subsection (c), regardless of whether the person is an employee of the department of human services.

(3) "Public property" means, by way of illustration, any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, or other facilities owned or leased by the City or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

Enforcement guidelines from the City Attorney's Office

I. Prohibited conduct:

1. CAMPING on private property without the written consent of the property owner, or public property. CAMPING means to reside or dwell with shelter.

2. When faced with a suspected unauthorized camping situation, the officer must evaluate the totality of the circumstances to determine whether the person is camping as defined in the ordinance. To "camp" on public property a person must do more than simply fall asleep on the property. There must be some indication of actual camping which includes both (1) residing or dwelling on the property, and (2) some kind of shelter. An individual may not be cited if only one of these circumstances is present. The following must exist before an arrest or citation under this section is appropriate:

a. RESIDE OR DWELL: The person's behavior must indicate more permanence than merely sleeping on a park bench or sunbathing in a park. The officer must look at the totality of the circumstances for other indicators which could include, but are not limited to, the following:

i. The person has built a campfire or is cooking food on a camp stove next to a laid-out sleeping bag;

ii. The person is sleeping inside a tent or sleeping bag or inside some form of temporary shelter;

iii. The person is sitting next to a tent or on a sleeping bag or a bedroll in which he has also stored personal possessions;

iv. The person is observed sleeping on top of or covered by materials (e.g., blanket, bedroll, cardboard, newspapers); however, the officer will have to consider other factors if the situation is ambiguous. For example, this ordinance does not prohibit an individual from merely falling asleep in a park nor does it prohibit an individual from simply sitting or lying down on a public sidewalk. However, please note that this conduct may be prohibited by other ordinances such as Obstruction of Public Passageways §38-86 or Park Curfew §39-3, Sitting or Lying Down in the Public Right-of-Way §38-86.1.

v. In evaluating the totality of the circumstances, the officer may consider other factors in

the person's immediate environment, such as the length of time the person has been there, the time of day, or other possessions surrounding the person (e.g., food, cooking utensils, change(s) of clothes, furniture, backpack or shopping cart full of personal items). These circumstances taken as a whole may support the conclusion that the individual is temporarily residing or dwelling in at that location.

- b. **SHELTER:** Under the definition of camping, the individual must be residing or dwelling with shelter or protection from the elements, other than their clothing, such as a tent, tarp, sleeping bag, lean-to, bedroll, blankets, cardboard box or planking.
 - i. If the person is cooking food on a cook-stove, but does not have *any* item of shelter, then that person may not be cited under this ordinance. Other ordinances may prohibit the conduct depending upon the location.

II. Enforcement requirement (see attached flow chart):

1. Officer receives illegal camping complaint or observes violation
 - a. Enforce any other violations observed on site
 - i. Determine need for warning/citation/jail
 - b. Evaluate for Detox/ hospital/MHH
 - i. Transport/call for van or ambulance if necessary
 - c. Wants/warrants check - officer discretion
 - i. Code 5 parties – jail or order in
 - d. Determine if there is a camping violation
 - i. If no, no further action required
 - ii. If yes, enforce camping ordinance
 1. Determine via Street Check if the same party has received any verbal or written warnings about camping from the Denver Police Department within the past 7 days.
 2. Assuming no warnings within the past 7 days, inform the camper of ordinance and observed violation
 3. Inform camper of services available – shelters, etc.
 4. Ask them to comply with ordinance
 - a. If they comply, call complete
 - b. If they refuse, go to step 2. (“Officer issues written warning of violation”) below
 5. Complete Street Check, marking “illegal camping” under reason type
 6. If the party has previously received a *verbal* warning within the past 7 days, proceed to step 2. (“Officer issues written warning of violation”) below.
 7. If the party has received a previous *written* warning within the past 7 days, proceed to step 3. (“Officer attempts to ascertain”) below.
2. Officer issues written warning of violation
 - a. Explain violation and warning citation to offender
 - b. Serve warning on violator
 - c. Complete a street check marking “illegal camping” under reason type
 - d. If camper complies, call complete
 - e. If camper refuses, go to step 3. (“Officer attempts to ascertain”) below
 - f. Send copy of warning to records for scanning
 - g. Send copy of warning to District 6 Homeless Outreach Team
3. Officer attempts to ascertain if camper needs human services
 - a. If yes, make reasonable efforts to contact street outreach to respond to the scene
 - i. If camper is willing to comply with outreach, call complete
 1. Complete a street check marking “illegal camping” under reason type

UNAUTHORIZED CAMPING PROHIBITED

Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; February 06, 2020)

Source: City Attorney's Office

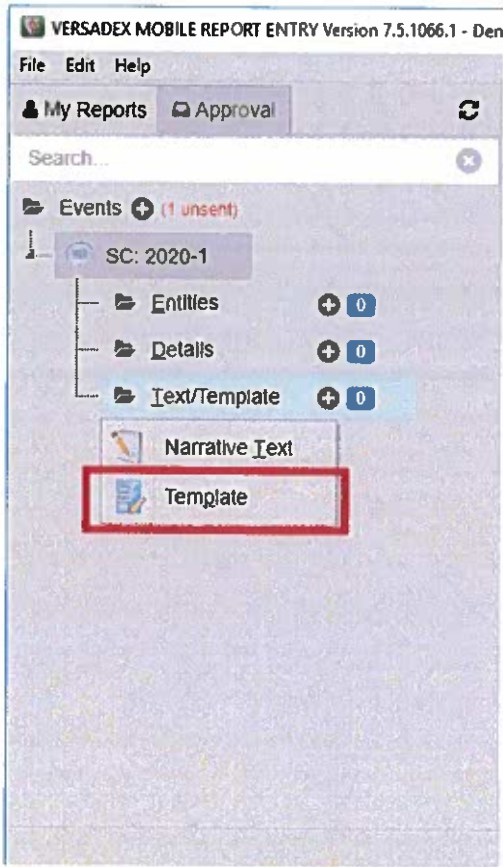
- ii. If camper is not willing to comply with outreach, contact supervisor for guidance and assistance
 1. Complete a street check marking "illegal camping" under reason type
 2. Supervisor approves whether to cite or arrest violator
 3. List supervisor's name and Badge # on face of the US&C
 4. List outreach worker as witness on the US&C
 5. PC statement gives brief explanation of referral to outreach and camper's refusal to cooperate with outreach
 6. Thoroughly document evidence of camping through videos or photographs of all tents, tarps, blankets, sleeping bags, and other camping related items. These items are **not** to be collected as evidence. If a custodial arrest occurs, these items will be handled as personal property.
- b. If no, or if officer is unable to contact outreach, contact police supervisor for guidance and assistance
 - i. Supervisor approves whether to cite or arrest
 1. Complete street check marking "illegal camping" under reason type
 2. List supervisor's name and Badge # on face of the US&C
 3. PC statement gives a brief explanation of efforts to contact street outreach or why outreach was not called.
 4. Thoroughly document evidence of camping through videos or photographs of all tents, tarps, blankets, sleeping bags and other camping related items. These items are **not** to be collected as evidence. If a custodial arrest occurs, these items will be handled as personal property.
- c. On every contact, the officer must make reasonable efforts to secure indoor shelter for the camper.
 - i. Ascertain if shelter space is available and if the camper is eligible for the available shelter.
 1. Offer to transport the party to the available shelter.
 2. If party refuses shelter and officer has ascertained that shelter is available for this party, contact supervisor for guidance and assistance.
 - a. Supervisor approves whether to cite or arrest
 3. If shelter is not *available* for the party – and **not** just because the party *refuses* to go to shelter - contact supervisor for guidance and assistance.
 - a. Supervisor approves whether to use a Department Card for shelter/lodging (see section regarding Card usage)
 - b. If approving hotel/motel room, supervisor must complete the hotel voucher street check (below) documenting the need and transaction
 - The name of the hotel/motel lodging that was secured for the party(s)
 - If the party has excess property which they cannot take with them, follow the storage protocol for arrests of individuals with excess property, where the property was taken for storage
 - If the party had pets, where the pets were taken for safekeeping
 - Officer must email the individual's first name, hotel where they were placed, room number, and if the officer believes the individual is under 25 years of age to Jerred Powell, HOST Administrator (Jerred.Powell@denvergov.org)

UNAUTHORIZED CAMPING PROHIBITED

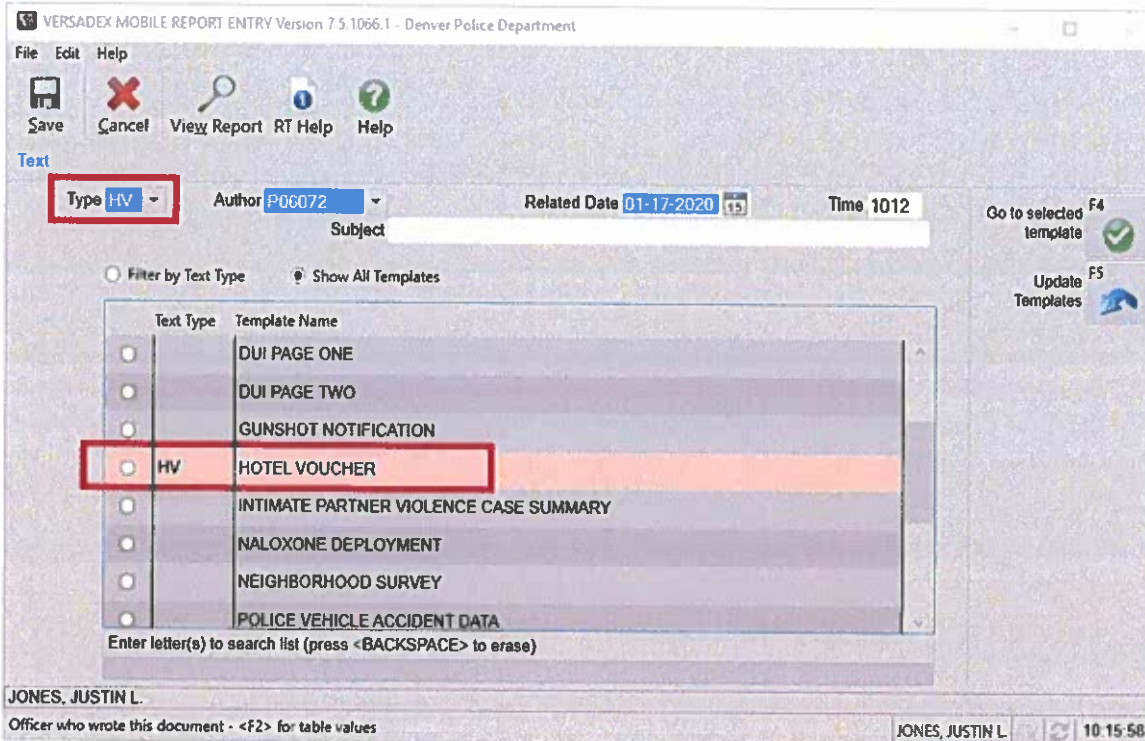
Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; February 06, 2020)

Source: City Attorney's Office

Officers will need to add a Template when completing a Street Check:



Select template type "HV" and choose "Hotel Voucher" from the list of available templates:

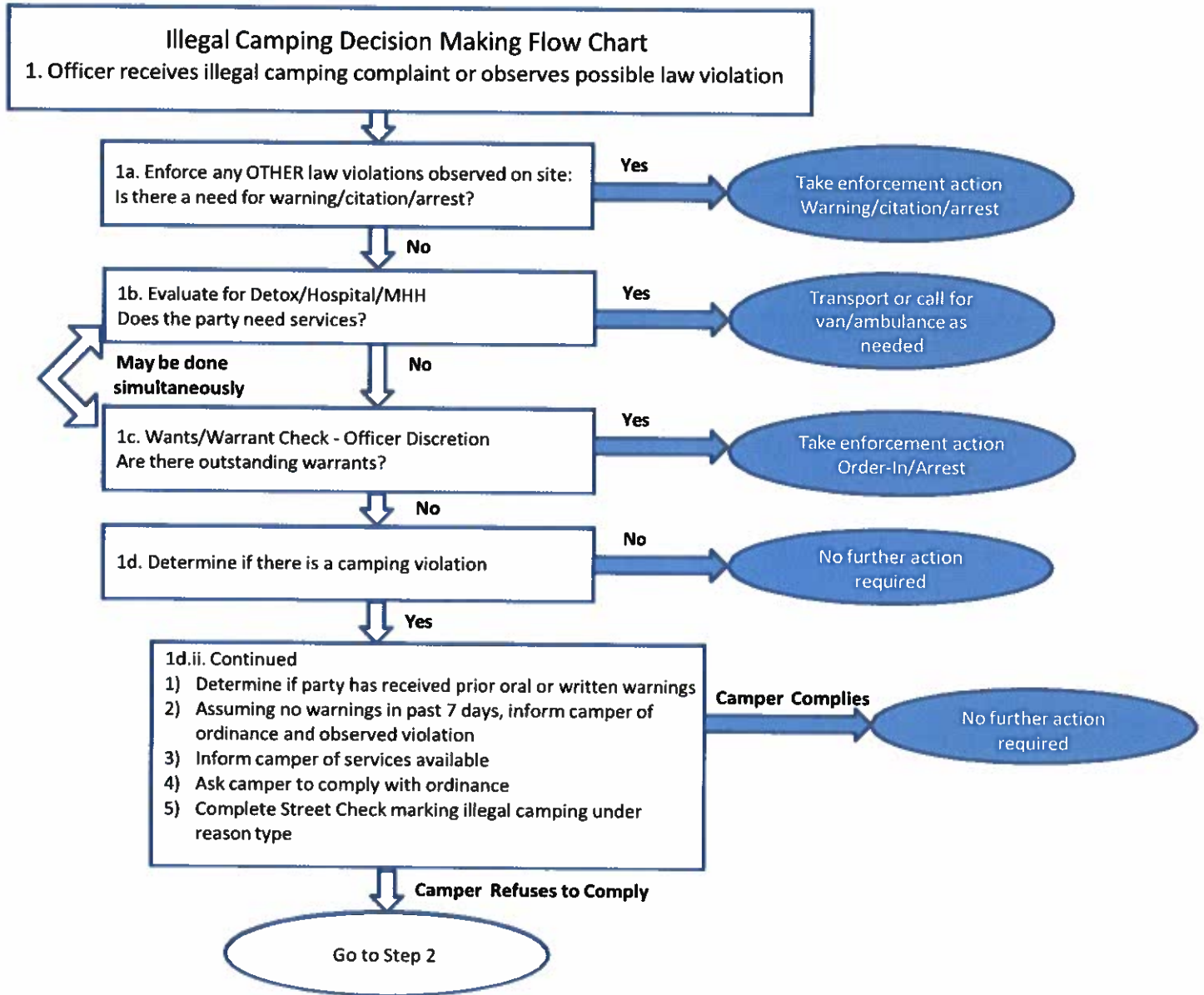


III. Documentation needed:

1. Specific explanation of the verbal and written notifications given and the person's response to the officer's requests/commands.
2. If you are issuing a citation or making an arrest and are relying on any previous *oral* warnings within the past 7 days as part of your decision, you must include the date and time of the prior warning, and the name of the officer who gave the previous warning. If you are relying on any previous *written* warnings within the past 7 days, you must include the date and time of the prior warning, the name of the officer that gave the previous written warning, and submit a copy of the prior written warning with the completed US&C.
3. Steps taken by the officer to assess the person's needs and steps taken to contact or efforts to contact a human services outreach worker.
4. Determinations made by the outreach worker, any referrals made, and all attempts to secure appropriate assistance for the person, and the person's response to the outreach worker's attempts at assistance.
5. Officer's contact with supervisor and the supervisor's steps to evaluate the situation and to involve an outreach worker, along with the person's response to the supervisor's requests/commands.

Other law violations: All other laws and city ordinances still apply throughout the City and County of Denver, and may be relevant to any particular situation. For example, a tent or structure in the middle of a sidewalk could still be cited under §38-86 – Obstruction of Streets or Other Public Passageways. If the behavior occurs in the Downtown Denver Business Improvement District between the hours of 7:00 a.m. and 9:00 p.m., §38-86.1 – Sitting or Lying Down in the Public Right-of-Way may be applicable. Under certain circumstances, the person may qualify for citation under §38-31 – Interference with Police Authority, or C.R.S. §18-8-102, Obstructing Government Operations, C.R.S. §18-8-104, Obstructing a Peace Officer, Firefighter, Emergency Services Provider, Rescue Specialist, or Volunteer. Situations that arise in a city park between the hours of 11:00 p.m. and 5:00 a.m. may qualify for citation under §39-3, Park Curfew. This is not an exclusive list and there may be other applicable ordinances or statutes.

Illegal Camping Decision Making Flow Chart

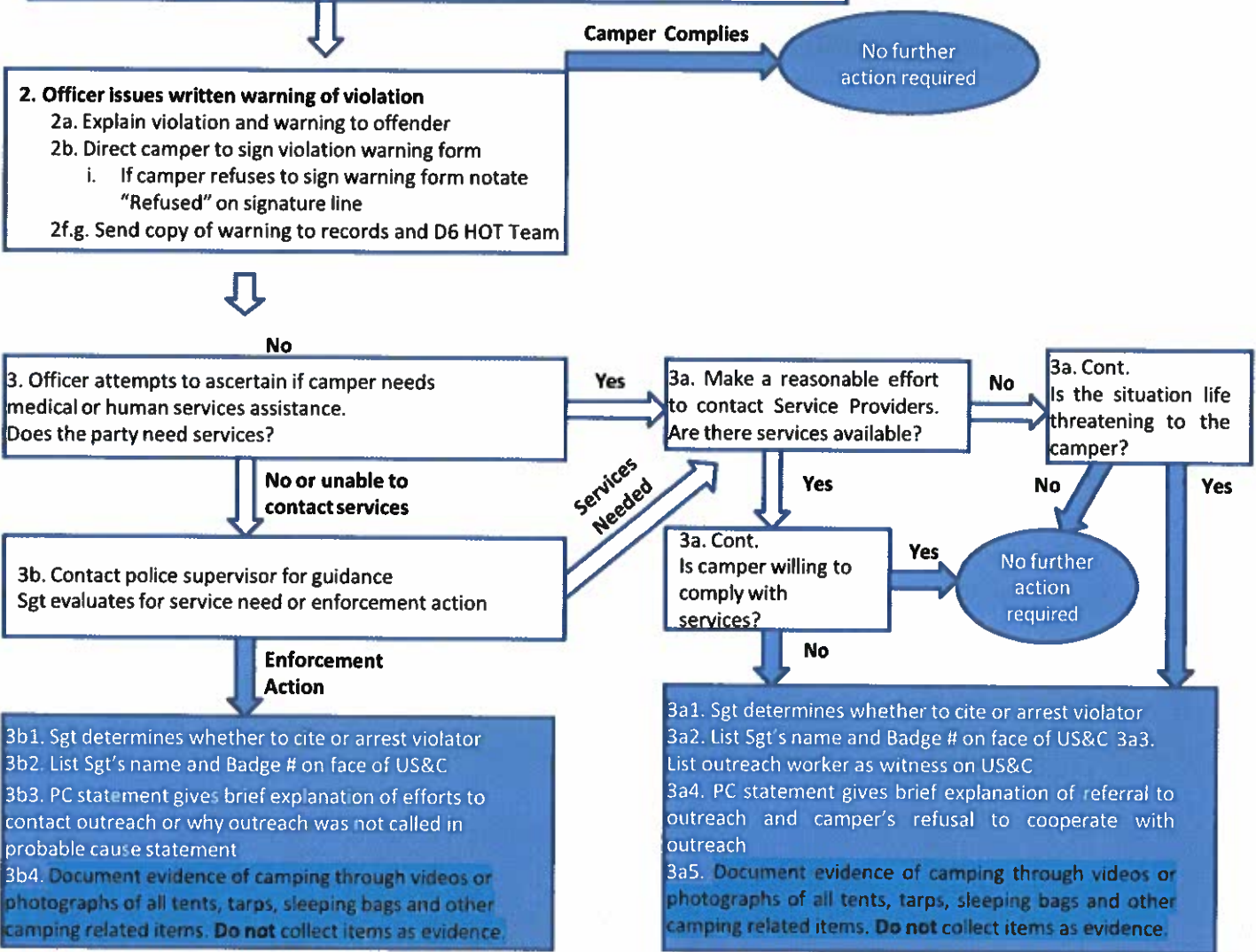


UNAUTHORIZED CAMPING PROHIBITED

Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; January 31, 2020)

Source: City Attorney's Office

**Illegal Camping Decision Making Flow Chart
Step 2: Camper Refuses to Comply with Ordinance**



UNAUTHORIZED CAMPING PROHIBITED

Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; January 31, 2020)

Source: City Attorney's Office

Page 9 of 9

DEPARTMENT CARD USAGE

The City and County of Denver has issued department credit cards to the Denver Police Department Finance Director who will act as the Department Card Coordinator (DCC). These credit cards are for the exclusive use of securing shelter/lodging for persons contacted for unauthorized camping enforcement under DRMC 38-86-2. All expenses charged to the department card must be pre-approved by a DPD supervisor and will be limited to the lodging costs associated with this ordinance and in accordance with the provisions below. The Denver Police Department employee with delegated use authority is required to use the department card only for the authorized purpose stated above and must adhere to any applicable Denver Police Department policy or procedure; department personnel must ensure security of the card at all times and immediately report the loss or theft of the card.

Distribution

1. The DCC will distribute one department card to each of the six police districts.
2. Any officer or supervisor in possession of this department card is required to complete the "Department Card for Shelter Provision for Unauthorized Camping" User Agreement prior to usage.
3. The DCC and any delegated user is required to adhere to these policies and procedures and risk revocation of use of the card and/or disciplinary action for violations.

Control

1. Each police district will have responsibility for securing the assigned department card in the badge access-controlled armory. Access to retrieve the department card will be limited to authorized police department personnel only.
2. All authorized department card check out/ins will be documented on the Check In/Out Log Sheet. Any officer removing the department card from the armory will fill out the log sheet legibly and in its entirety.
3. District commanders (or designee) will ensure that the log sheet is properly maintained with the department card and that the department card remains in the controlled armory when not in use.
4. The DCC will perform periodic review of the User Agreements and Department Card Check In/Out Log to ensure compliance with policies and procedures.

Usage

1. The department card shelter/lodging provision is limited to one (1) night stay per contact.
2. Department card usage is restricted to a maximum of \$2,000 per single and daily usage limits.
3. Upon approval for use of the department card to secure shelter/lodging, the supervisor must complete the hotel voucher street check documenting the need and hotel information. The required information includes the contact name, hotel/motel name and address.
4. The officer will transport the person(s) to the hotel/motel and will use the department card to make payment. The officer **must** obtain a copy of the paid hotel folio/receipt at this time. If the hotel/motel is unable to provide the paid receipt at the time of check-in, the officer **must** obtain a copy of the paid hotel folio/receipt upon check-out.
5. The officer must send a copy of the paid hotel folio/receipt to the Denver Police Department Financial Services Section email (dpdfinance@denvergov.org) within one (1) day of the provision of shelter/lodging for the authorized person(s). Failure to do so, will result in the district commander being immediately notified.
6. The Denver Police Department IMU will send a copy of the street check within one (1) day to Denver Police Department Financial Services Section email (dpdfinance@denvergov.org) providing documentation of the approved hotel/motel lodging and information on the party(s) provided these services.
7. The DCC will compile the street check and paid hotel folio/receipt and verify the transaction in Workday in accordance with the City's credit card policies and procedures.

Loss or Theft

Officers will immediately report via telephone or email the loss or theft of the department card to their supervisor, their chain of command, the DCC, and Citibank customer service. A police report must be filed within 24 hours of loss or theft of the card. The Citibank customer service number is 1-800-950-5114.

Denver Police Department

Building On A Strong Foundation

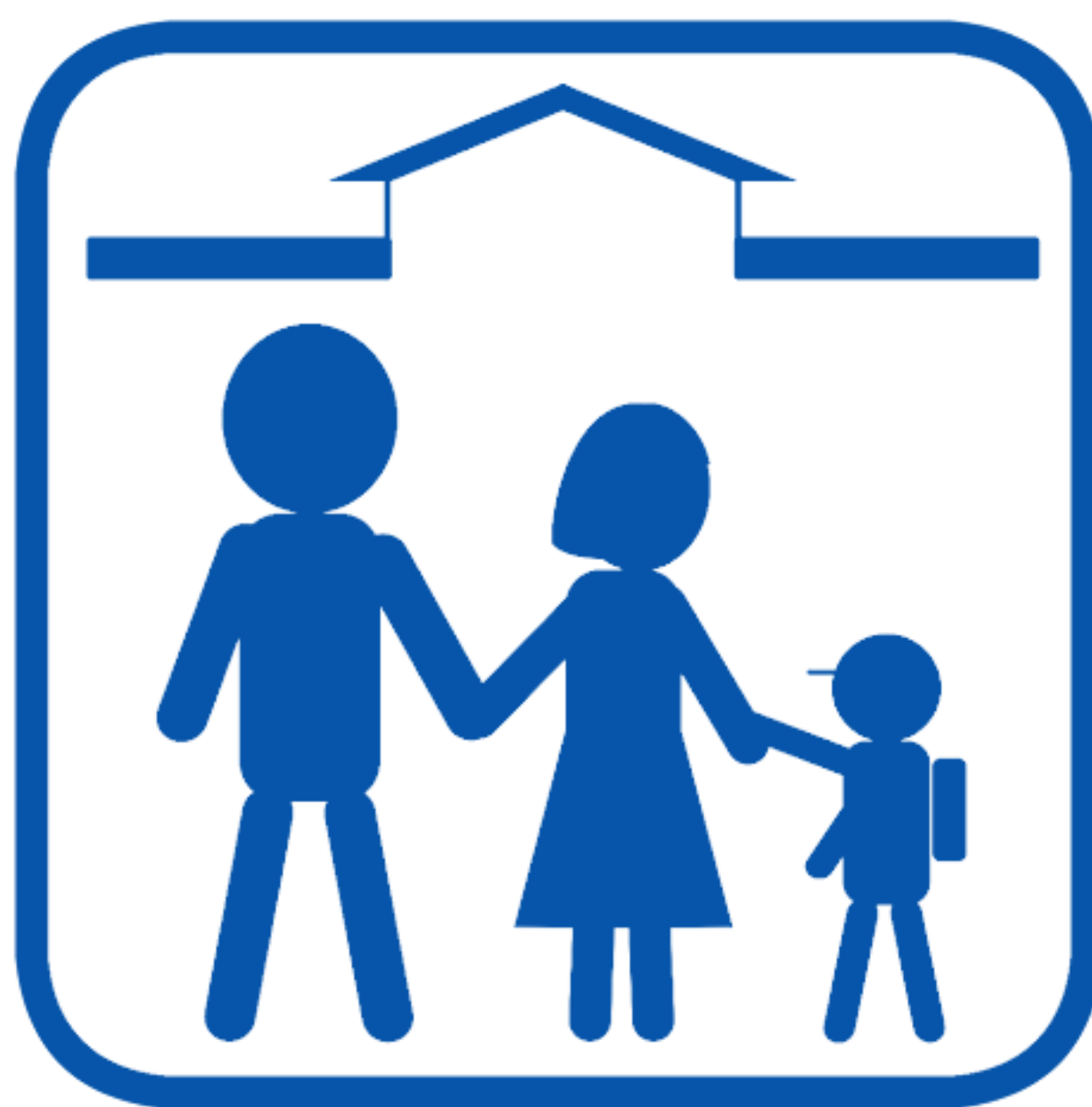
Strategic Plan 2022 - 2024

Preventing Crime & Treating People With Respect



- Innovative Crime Prevention
- Customer Service

Reducing Social Harms



- Mental Health
- Substance Abuse
- Fear of Crime
- Multimodal Transportation

Precision Policing



- Identify Neighborhood-Specific Issues
- Focused Enforcement Efforts
- Domestic Violence Prevention Program

Innovative Training

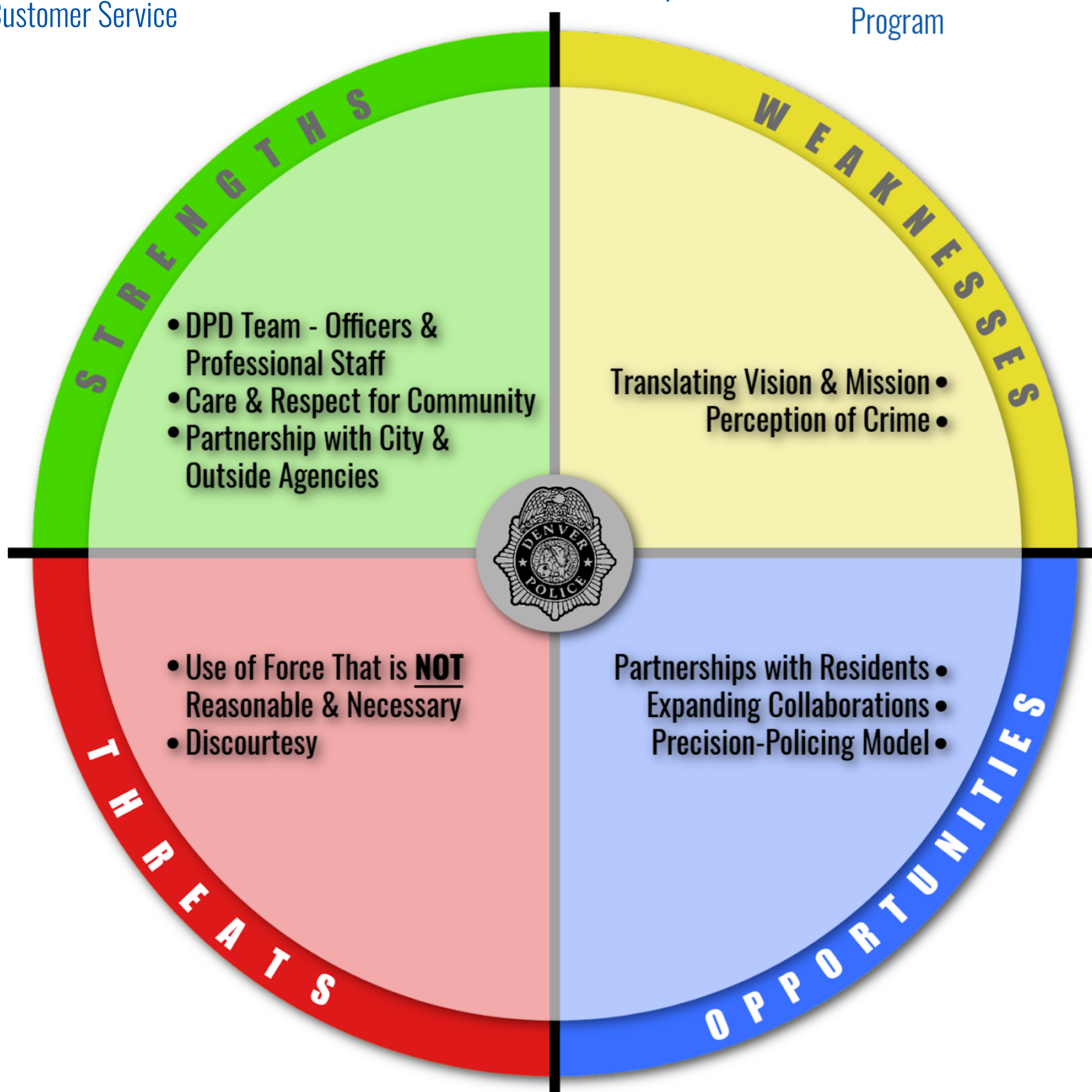


- Education for a 21st Century Police Organization
- Community-Informed Innovations in Training
- Support Lifelong Learning

Taking Care of the People Who Take Care of the People



- Resilience & Wellness Programs
- Improving Work/Life Balance
- Reintegration Support



SWOT ANALYSIS

Internal Factors

- **Strengths**
- **Weaknesses**

External Factors

- **Opportunities**
- **Threats**

Work hard, work smart, and treat people right.

Collective Bargaining Agreement

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

CITY AND COUNTY OF DENVER

AND

DENVER POLICE PROTECTIVE ASSOCIATION

2021 – 2022

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PREAMBLE

This Contract entered into on this _____ day of _____, 2020 between the CITY AND COUNTY OF DENVER (hereinafter referred to as “City”), and the DENVER POLICE PROTECTIVE ASSOCIATION (hereinafter referred to as “the Association”), has as its purpose the establishment of a productive relationship between the City and the Association, and to set compensation and certain other conditions of employment as specified in § 9.8.3(B) and (D) of the Charter.

Article 1 RECOGNITION

The City recognizes the Association as the sole and exclusive bargaining agent chosen by the members of the bargaining unit for purposes of negotiating subjects specified in § 9.8.3(B) and (D) of the Charter.

Article 2

DEFINITIONS

- 2.1 “**City**” means the City and County of Denver, Colorado.
- 2.2 “**Association**” means the Denver Police Protective Association.
- 2.3 “**Bargaining agent**” means the Denver Police Protective Association.
- 2.4 “**Officer**” means a member of the bargaining unit as defined below.
- 2.5 “**Chief**” means the Chief of Police of the City and County of Denver.
- 2.6 “**Commission**” means the Civil Service Commission of the City and County of Denver.
- 2.7 “**Department**” means the Police Department of the City and County of Denver.
- 2.8 “**Rank**” is defined by § 9.6.6 of the Charter.
- 2.9 “**Bargaining Unit**” means all officers in positions of the classified service of the Police Department of the City, except the Chief of Police, Deputy Chiefs, Division Chiefs and Commanders.
- 2.10 “**Charter**” means the Charter of the City and County of Denver.
- 2.11 “**Executive Board**” or “**Board of Directors**” means those seven members of the Association who are elected to serve as officers, directors or members of the Executive Board of the Denver Police Protective Association by the Association’s membership.
- 2.12 “**Base Pay**” is the sum total of an officer’s annual salary plus longevity as calculated in accordance with this Agreement. “**Base Rate of Pay**” is base pay divided by two thousand eighty (2,080) hours.
- 2.13 “**Regular Rate of Pay**” is the sum total of an officer’s base pay, as defined in 2.12 above, plus any other regularly recurring remunerations the officer may be receiving under Article 27 of this Agreement, divided by two thousand eighty (2,080) hours.
- 2.14 “**Hourly Rate**” is the annual salary for a given rank, divided by two thousand eighty (2,080) hours.
- 2.15 “**Accrued Time**” is the sum total of an officer’s vacation time, saved vacation time, saved holiday time, compensatory time and/or birthday leave time under this Agreement.

Reference to the male gender throughout this Agreement shall include references to the female gender and vice versa.

Article 3

[RESERVED]

Article 4 ASSOCIATION RIGHTS

4.1 When the Chief or his designee has granted prior approval, Association officials or representatives shall be allowed time away from their assigned duty station in order to conduct Association business. Nothing herein shall limit the discretion of the Chief or his designee in approving such time off.

4.2 Bulletin Boards

The Association may maintain one (1) secure bulletin board at each of the decentralized stations and other police facilities and two (2) secure bulletin boards at the Police Administration Building. The Chief or his designee will approve the location of such bulletin boards. All notices posted on these bulletin boards must first be approved by the Chief or a Deputy Chief before being posted. These boards may be used for the following notices:

- 4.2.1 Recreation and Social Affairs of the Association.
- 4.2.2 Association Meetings.
- 4.2.3 Association Elections.
- 4.2.4 Reports of Association Committees.
- 4.2.5 Information to police officers concerning their employment.

There shall be no postings regarding any political candidate or candidates, nor postings concerning any issues being considered as part of a federal, state or municipal election.

The bulletin boards will be paid for by the Association who shall also be responsible for their maintenance and security.

Subject to prior approval by the Chief or a Deputy Chief, not more than twice a month, or as the Chief may additionally allow, notices concerning matters related to scheduled meetings or affairs of the association or incidental to this Agreement may be sent to Association members via the Department's e-mail system in accordance with procedures determined by the Department. Notwithstanding the above, the Association's newsletter will not be distributed to Association members via the Department's email system.

4.3 Members of the Association's Executive Board may, at the discretion of the Chief or his/her designee, be permitted to speak at shift roll call meetings about Association business, and shall be permitted to address each Department recruit class for a period not to exceed two (2) hours concerning Association membership benefits.

4.4 In response to requests for information, the parties will provide information deemed reasonably necessary for purposes of preparing for negotiations and/or impasse or grievance arbitrations. Responses to requests for information shall be made within a reasonable period of time. Denial of any request for information or the response to any request for information shall not be subject to the grievance or arbitration procedures, but may be admissible in any subsequent impasse or grievance arbitration.

Article 5 **CHECK OFF**

- 5.1 All officers covered under the terms of this Agreement may voluntarily join the Association as a member.

- 5.2 The City agrees to deduct the Association membership dues and assessments from the pay of such officers who individually request in writing that such deductions shall be made on a form agreeable to the City. The Association shall certify to the City the amount to be deducted. The written authorization for Association dues deduction and assessments shall remain in full force and effect until revoked in writing by the officer.

- 5.3 The payment to the Association will normally be made by the first day of the month after such deductions are made. If the City makes a good faith effort to meet this time frame, the Association agrees that it will not make any claim for damages, interest or other monetary compensation for the time the payment is not received. The Association agrees that it will indemnify and save the City harmless from all suits, actions, and claims against the City or persons acting on behalf of the City whether for damages, compensation or any combination thereof, arising out of the City's compliance with the terms of this Article. The Association shall reimburse the City for any and all reasonable costs and reasonable attorneys' fees arising out of the defense of any such action against the City. The City agrees to cooperate with the Association and its counsel concerning any such litigation.

- 5.4 The department will provide to the Association strength reports, assignment rosters, drop reports, and separation information on a monthly basis.

Article 6

[RESERVED]

Article 7

LABOR MANAGEMENT COMMITTEE

- 7.1 The City and the Association agree to set up a Labor Management Committee which shall consist of three (3) representatives appointed by the Association President and three (3) representatives appointed by the Chief. If an issue is brought to either the City or the Association by another organization of police officers, a representative of that organization shall have the right to attend the meeting at which that issue is discussed.
- 7.2 The committee shall discuss matters of concern to either the Association or the Department which are not addressed in this Agreement and/or the procedures to be followed with respect to matters which are addressed in the Agreement, including matters and equipment relating to officer safety. Statements by committee members made during Labor Management meetings shall not be used as evidence or admissions in any proceeding between the parties. Issues presented to the committee shall be resolved within fifteen (15) days of the meeting at which the issue was discussed, or as mutually agreed by the parties. If the issue is not resolved within fifteen (15) days or at the time mutually agreed by the parties, or if the Association is not satisfied with the resolution, the issue may be raised with the Chief in a meeting to be scheduled as soon as practicable. Following such meeting, the issue will be resolved by the Chief, or in the Chief's absence, the Acting Chief, within twenty (20) days. Resolution may include notification of the need for further research and deliberation as necessary.
- 7.3 Unless otherwise agreed upon, the Labor Management Committee shall meet on a monthly basis at a time and place mutually agreed upon between the Chief's designee and the Association President. Either party may request additional meetings as needed, and such meetings will occur at a time and place mutually agreed upon by the Chief's designee and the Association President.
- 7.4 The Committee's discussion of an issue does not affect whether that issue is or is not a mandatory or permissive subject of bargaining.
- 7.5 The Chief shall arrange for Committee officers who are on duty to be released to attend such meetings. Committee officers who are off duty shall be compensated at their regular rate of pay for the amount of time actually spent at the meeting.

Article 8 SENIORITY

Seniority shall be defined as the length of service in the Department within the officer's civil service rank following the officer's most recent appointment to that rank. When two (2) or more officers in the same rank were appointed on the same day, seniority shall be determined by their position on the certified promotional list for that rank. Time spent on authorized paid leave or military leaves of absence shall be included in length of service. If an officer who has been promoted reverts to a rank formerly held, the officer's seniority shall be the sum of the seniority earned in the promotional rank and in the rank to which the officer reverts.

Article 9 VACATIONS

9.1 Officers shall accrue vacation as follows:

<u>Length of Employment</u>	<u>Annual Leave Hours Accrued Each Year of Regular Time Worked</u>
1st through 4th year	112 hours
5th through 9th year	136 hours
10th through 14th year	144 hours
15th through 19th year	168 hours
20th through 24th year	184 hours
25th year and thereafter	200 hours

9.2 Vacation shall be accrued for each month of service, prorated on the above schedule.

9.3 Subject to the limitations of 9.3.1, vacation time must be used in the calendar year in which it is received except that an officer may carry over up to 144 hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief's discretion, use their excess accrued vacation in increments of eight (8), ten (10) or twelve (12) hours dependent upon the officer's regularly scheduled duty shift.

9.3.1 Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.

9.4 Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.

9.5 Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

9.6 Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of the work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a

full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hours shifts shall use five (5) regular days off and officers working eight (8) hours shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.

9.7 Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the commander.

9.8 Transfers after vacation voting:

a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.

b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.

9.9 In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.

9.10 Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

9.11 The use of vacation time shall be voted by seniority as follows:

9.11.1 Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of detective, corporal and technician are not

civil service ranks. Division Chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. In the absence of a Division Chief, the Deputy Chief of the affected area of Operations or Administration may permit voting within individual units. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

Article 10 **SICK LEAVE**

- 10.1 Each officer shall be allowed one hundred forty-four (144) hours of sick leave per year with full compensation at the officer's base rate of pay. The unused portion of such sick leave may be accumulated until the officer shall have a reserve of seven hundred twenty (720) hours of sick leave. At any time the accumulated reserve of sick leave shall exceed seven hundred twenty (720) hours, payment for the time in excess of seven hundred twenty (720) hours shall be made to the officer at the officer's base rate of pay, provided the Chief approves such payment; and if such payment is not so approved, the time in excess of seven hundred twenty hours shall be added to the officer's annual vacation. The maximum amount of accumulated sick leave to be compensated in any one year is one hundred forty-four (144) hours in excess of a seven hundred twenty (720) hour bank.
- 10.2 At the termination of an officer's term of service with the department, for any reason, the officer shall pursuant to Article 33 receive compensation in full at the officer's base rate of pay for all accumulated sick leave due the officer at the termination of service. Upon the death of an officer, the cash benefits attributable to the officer's accumulated sick leave shall be paid to the officer's surviving spouse or, if there be no surviving spouse, then the officer's surviving child or children or, if there be no surviving child or children, then to the officer's estate.
- 10.3 Sick leave may be used when an officer is incapacitated by sickness or injury; for medical, dental and optical examinations or treatment; and for the necessary care and attendance during sickness of a member of the officer's immediate family. For purposes of this Article 10.3, "immediate family" includes the officer's spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or spousal equivalent as defined by the City.
- 10.4 Officers shall be provided Family and Medical Leave Act ("FMLA") leave consistent with the FMLA and its corresponding regulations. Officers shall use accrued paid leave in conjunction with any leave granted under the FMLA.
- 10.5 An officer may donate sick leave to the sick leave bank of another member of the bargaining unit. Any sick leave donated to another officer's sick leave bank shall be converted to the hourly rate of the donee.

Article 11 HOLIDAYS

11.1 The following are recognized and observed as holidays:

- New Year's Day
- Dr. Martin Luther King Day
- Presidents Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Veterans Day
- Christmas Day
- Officer's Birthday (to be taken off in accordance with procedures issued by the Chief)

11.2 In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for all regularly scheduled time actually worked on a holiday. If the number of hours worked on a holiday is less than eight, the balance of the time shall be paid in holiday straight pay to complete an eight-hour benefit. Notwithstanding the above, the pay provisions of this Article 11.2 will be suspended in 2021.

11.3 If the day on which a holiday is observed falls on an officer's scheduled day off, the officer shall receive, in addition to the officer's base pay, pay for the holiday at the officer's base rate of pay. Notwithstanding the above, the pay provisions of this Article 11.3 will be suspended in 2021.

11.4 At the discretion of the Chief and subject to the needs of the department, an officer may request eight (8) hours of time off in lieu of receiving pay for the recognized holiday under 11.2 or 11.3 and may save up to four (4) such holidays for a maximum of thirty-two (32) hours of holiday time which can be voted at the time of the vacation leave vote. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, he has no entitlement to either premium pay under 11.2 for work on the holiday or payment under 11.3 if the holiday as observed falls on the officer's scheduled day off. Notwithstanding the above, the provisions of this Article 11.4, with the exception of the Officer's Birthday holiday, will be suspended in 2021.

11.5 Effective January 1, 2022, each officer will receive 100 hours of time in a separate Holiday Time Bank, subject to the following:

11.5.1 Any officers hired on or after January 1, 2021 will not receive this Holiday Time Bank.

- 11.5.2 The Holiday Time Bank can be used starting January 1, 2022 in accordance with the rules for use of vacation leave under Article 9. Alternatively, hours from the Holiday Time Bank may be used by an officer at the discretion of the Chief and subject to the needs of the Department.
- 11.5.3 Hours in an officer's Holiday Time Bank may be carried forward from year-to-year until they are exhausted.
- 11.5.4 Any hours remaining in an officer's Holiday Time Bank shall be payable upon separation.

Article 12 BEREAVEMENT LEAVE

Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, spousal equivalent as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.

Article 13 **MILITARY SERVICE LEAVE**

- 13.1 Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) shall be granted leaves of absence for such military service.
 - 13.1.1 Officers shall give the Department advance written or verbal notice of an absence due to military service.
 - 13.1.2 Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.
 - 13.1.3 Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued vacation leave or compensatory time, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.

- 13.2 Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.

- 13.3 While on paid military leave, an officer’s seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.

- 13.4 During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C § 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C § 18-164. In the event D.R.M.C § 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.

Article 14 LEAVE OF ABSENCE

A leave of absence without pay of up to one (1) year may be granted by the Chief or his designee to an officer who has completed at least five (5) years of continuous service. Leave shall not be unreasonably denied. If the leave is denied, the reason for denial shall be provided to the officer in writing.

Article 15 NUMBER OF HOURS IN WORK PERIOD/DAYS OFF

- 15.1 During each twenty-eight (28) day work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each twenty-eight (28) day work period, each officer shall receive eight (8) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.

- 15.2 In the event that the department adopts a fourteenth (14th) period during any calendar year, each officer shall receive an additional two (2) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.

Article 16 OVERTIME

- 16.1 Pursuant to § 7(k) of the Fair Labor Standards Act (29 U.S.C. § 207(k)), a work period for officers of twenty-eight (28) days is established.
- 16.2 The overtime rate of pay shall be at time and one-half of the officer's regular rate of pay. Except as noted in section 16.3 below, all officers up to and including the rank of lieutenant shall be paid at the overtime rate for all hours worked in excess of their normal daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) hours in the work period. Captains shall be compensated for all hours worked in excess of their normal duty shift at their regular rate of pay, except as noted in section 16.3 below. For purposes of this article, the term "hours worked during a normal daily work shift" shall include all types of paid leave or time off except compensatory time. The parties expressly acknowledge that the time spent donning and doffing the uniform and safety gear required by the Department to be worn by officers does not constitute compensable work time under the FLSA or this Agreement.

All overtime worked, other than off-duty overtime specified in section 16.3 below, shall be compensated in either money or time off pursuant to this agreement, unless external funding sources dictate otherwise. All overtime work must be approved by the officer's supervisor prior to the work being performed. Time worked will be recorded pursuant to the Department's established record keeping procedures.

After working overtime, the officer will designate whether he wants to be compensated in money or time off. If the officer requests compensation in money, that request will be honored unless a supervisor, for reasonable cause, denies the request. Any such denial is subject to review through the chain of command and ultimately through the grievance procedure of the collective bargaining agreement. If the officer requests compensation in compensatory time off, said request shall be granted, absent extraordinary circumstances, until the officer achieves a bank of eighty (80) hours. If an officer has accumulated a bank of eighty (80) hours or more, then a request for further accrual of compensatory time off must be approved by the Chief or his designee.

Compensatory time for all non-Patrol Officers may be used within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the Department. Compensatory time for all Officers within the Patrol Division shall be in accordance with those practices more specifically set forth in a Settlement Agreement and Order Approving Settlement entered in a civil action entitled *Nick Rogers, et al v. City and County of Denver*, Civil

Action No. 07-CV 00541-RPM, dated January 31, 2012. Under all circumstances, pre-approved vacations take precedence over requests to use compensatory time.

- 16.3 Overtime in off-duty positions paid through the department shall be compensated as follows:
- a. Officers below the rank of sergeant working overtime in an off-duty position paid through the department shall be compensated at their overtime rate.
 - b. Officers at or above the rank of sergeant working overtime in an off-duty position in a supervisory capacity paid through the department shall be compensated at their overtime rate.
 - c. Unless otherwise approved by the Chief or his designee, officers at or above the rank of sergeant working overtime in an off-duty position in a non-supervisory capacity paid through the department shall be compensated at one and one-half times the hourly rate of pay of a detective with 25 years longevity.
- 16.4 Actual overtime worked is to be converted to the nearest 1/10th hour until such time as the Department has the ability to record and pay overtime to the minute. At that time, actual overtime worked will be calculated and paid to the minute.
- 16.5 Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative or enforcement duties.

Article 17

CALL BACK

- 17.1 Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
- 17.2 An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
- 17.3 Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.

Article 18 COURT TIME/JURY DUTY

- 18.1 Any officer up to and including the rank of Lieutenant who is off duty and is subpoenaed to testify concerning matters arising out of the performance of his or her assigned duties shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater, except:
- (1) Testimony commencing within two (2) hours prior to the officer's regularly scheduled shift will be viewed as continuous duty;
 - (2) Testimony commencing when an officer is on duty and concluding when an officer is off duty will be viewed as continuous duty;
 - (3) Officers who are on inactive duty because of a line of duty injury will receive no compensation for appearing in court; and
 - (4) If an officer is using sick leave, the officer shall be compensated at his or her base rate of pay for time spent in court, without deduction of that time from his or her sick leave bank.
- 18.2 Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.
- 18.3 The parties agree that members of the bargaining unit subpoenaed to appear in court shall call into the police department within twenty-four (24) hours prior to the day of the required court appearance in order to determine whether the subpoena has been canceled. Should the employee fail to call the police department within the twenty-four (24) hour period and appear in court for a case which has been cancelled, no call back or overtime compensation shall be paid to the employee.
- The twenty-four (24) hour time frame for the call into the police department shall be a window period of 5:00 p.m. to 12:00 a.m. (midnight) of the day preceding the required court appearance. The employee shall be paid court time if he or she calls within the required time period, is told to appear, and then the case is cancelled.
- 18.4 Telephonic/Video Appearances. An officer providing telephonic or video testimony pursuant to a subpoena to testify concerning matters arising out of the performance of his or her assigned duties shall be compensated in accordance with Articles 18.1 and 18.3.

Article 19

CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF

19.1 Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).

19.2 The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.

19.3 Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted start time of a shift is changed within seventy-two (72) hours of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.

If an officer's scheduled day off is ordered changed by the commanding officer within seven (7) days of an officer's scheduled day off three or more times in the same twenty-eight (28) day work period, the officer will receive six (6) hours of compensatory time or pay at the officer's regular rate of pay for the third such change and any such changes thereafter during the same work period. If the posted start time of an officer's shift is changed within seventy-two (72) hours of the commencement of the officer's shift three or more times in the same twenty-eight (28) day work period, the officer shall receive four (4) hours of compensatory time for the third such change and any such changes thereafter during the same work period.

19.4 In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.

Article 20 **EQUIPMENT ALLOWANCE**

- 20.1 The City shall pay each officer an allowance of \$875 for the acquisition, maintenance and repair of equipment. This payment shall be made on or before November 30 of each year of the Agreement.

- 20.2 The items contained in Uniform Supply Directive Numbers 97-02, 97-13, 97-14, 97-17, 97-19, 97-20, 97-23, 97-24, 97-28 shall be provided by the City at the discretion of the Chief. There will be an opportunity for input by the Labor Management Committee before any change is implemented.

- 20.3 The “Colorado Peace Officers’ Statutory Source Book” and the “Colorado Revised Statutes Pertaining to Criminal Law” published by the Colorado District Attorneys Council will be available for review and reference at each of the decentralized stations and other police facilities and the Police Administration Building.

- 20.4 **VESTS**
 - 20.4.1 For each officer who graduates from the academy, the City will provide reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest.

 - 20.4.2 All other officers shall be entitled to reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest on the fifth year anniversary of the prior reimbursement to the officer for the purchase of such vest. Reimbursement shall only be available with proof of purchase of a replacement vest of replacing the one for which reimbursement had previously been received, or a new vest if no reimbursement was previously made.

 - 20.4.3 Notwithstanding the above and foregoing, if, at any time during the term of this Agreement, a protective vest previously issued by the City or a vest which was previously the subject of reimbursement by the City becomes unserviceable in accordance with the manufacturer’s warranties, such vest shall be surrendered to the City and a replacement vest issued to the officer or a reimbursement made to the officer for the actual purchase of a replacement vest, up to seven hundred fifty dollars (\$750).

Article 21

WORK ASSIGNMENT IN HIGHER RANK

- 21.1 Any officer who, for more than one-half of the officer's regularly assigned shift is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the hourly rate of pay of the higher rank for the entire duty shift in which he or she is so assigned. If during the period of temporary assignment, the officer also works overtime as defined by Article 16 of this Agreement, the officer shall be paid overtime as provided by Article 16.
- 21.2 If the Chief or his designee assigns any Police Officer 1st Grade to perform the duties of a Technician, Detective or Corporal, then that officer will be compensated at the rate associated with that assignment for the entire period the officer is acting in that capacity. For purposes of calculating overtime under Article 16 of this Agreement, the acting pay provided by this Article 21.2 shall be considered the officer's "regular rate of pay" until such time as the officer is no longer working in an acting capacity. The acting pay provisions above shall not apply to detective training programs or limited duty assignments.

Article 22 INJURY IN LINE OF DUTY

- 22.1 Any officer who shall become injured in line of duty shall be provided when necessary with hospitalization, doctors, surgeons, nurses and medical care.

- 22.2 Any officer who shall become so physically or mentally disabled by reason of bodily injuries received in the discharge of the duties of the officer in the department that the officer is rendered unable to perform duties in the department, shall be granted any necessary leave of absence not to exceed 2080 hours at full salary for the rank which the officer holds in the department, and shall be compensated from the regular police department payroll.

- 22.3 Should such officer need additional leave of absence in excess of 2080 hours, the officer may use accumulated sick leave and should the officer still need additional leave of absence, the officer may be granted additional leave of absence at one-half of the salary for the rank the officer holds in the department, to be paid from the "pension and relief fund;" provided, however, that should such officer be eligible for retirement on a pension, the officer shall not be entitled to receive such additional disability leave, but instead shall be retired from active service at the expiration of the 2080 hours leave of absence and accumulated sick leave.

- 22.4 Compensation shall not be denied under this section because the injury was not received on the tour of duty to which the officer has been assigned, if it was received in the discharge of the duties of the officer and if the officer conducted himself in a legal manner and in compliance with rules and regulations governing the department.

- 22.5 Except as otherwise provided by statute, the Charter, or Article 22.3 above, when the City has admitted liability or accepted a workers' compensation claim, no officer shall be required to use accumulated sick leave for any line of duty injury or illness.

Article 23 FUNERAL EXPENSES

In the event an officer is killed in the line of duty or dies from injuries sustained in the line of duty, the City shall pay the cost of reasonable funeral expenses up to a maximum of \$10,000.00, which amount shall be offset by any other payments for these purposes made by any other agency or organization.

Article 24 **LIFE INSURANCE**

The City shall provide group life insurance coverage for each officer in an amount equal to one and one-half times the officer's base pay.

Article 25

HEALTH AND DENTAL INSURANCE

25.1 Health Insurance: The City shall offer health care plan options from no fewer than two (2) insurance providers, in addition to Denver Health, if coverage from Denver Health is offered. The amount of the City's contribution will depend on the plan selected by the officer. During the term of this Agreement, the City shall make the following contributions towards health insurance premiums:

If the provider selected by the officer offers two plans, the City shall contribute 77.5% of the premiums if the officer selects the high premium plan; the City shall contribute 90% of the premiums if the officer selects the low premium plan. If the provider selected by the officer offers only one plan, the City shall contribute 90% of the premiums for that plan.

For the duration of this Agreement, if an officer selects a high deductible plan and has opened a Health Savings Account (HSA), the City will contribute six hundred dollars (\$600) annually to the officer's HSA if the officer has enrolled in an employee-only health plan; if the officer has enrolled in a multi-party plan, the City will contribute one thousand two hundred dollars (\$1,200) annually to the officer's HSA.

For high deductible plans: (1) the co-insurance will be shared between the provider and the employee on a minimum of an 80/20 split, (2) the deductibles for the plans will be no more than 10% above the federally mandated minimum, and (3) the maximum out-of-pocket cost for employees for network coverage shall not exceed \$4,000 for single coverage subscribers and \$7,000 for multi-party coverage subscribers.

If any of the health care plans offered by the City in 2020 are no longer offered, the City's premium contribution levels stated above shall apply to any replacement plan offered by the City and the benefit levels of any new plan shall be substantially similar to the plan it replaces.

25.2 Dental Insurance: The City shall offer dental insurance to officers. Regardless of plan selected by the officer, the City's level of contribution shall be equivalent to 80% of the premium costs of the mid-level dental plan offered to officers. In no event shall the City's contribution exceed the actual cost of coverage as determined by the provider. The mid-level dental plan offered to officers shall be substantially similar to the current Delta Dental EPO plan.

25.3 This Article shall not be administered in any manner that would be in conflict with or violate the terms and conditions of any contracts between the City and health and dental insurance providers.

25.4

The Association will substantially participate with the City in the development of health and dental plans to be offered to officers. The Association will have the opportunity to comment and make recommendations on proposals before health and dental plans are offered to officers. In addition, a member of the Association chosen by the Association shall be appointed by the Mayor to the Employee Health Insurance Committee.

Article 26

DEATH AND DISABILITY CONTRIBUTION

26.1

During the term of this Agreement the City shall pay the state mandated contribution for death and disability coverage pursuant to C.R.S. § 31-31-811(4), as it may be amended from time-to-time, for all officers hired on or after January 1, 1997.

Article 27 PAY RATES AND LONGEVITY

27.1.1 Effective January 1, 2021, the annual salary for officers will be as follows:

Police Officer Recruit	\$58,633
Police Officer 4th grade	\$63,480
Police Officer 3rd grade	\$70,261
Police Officer 2nd grade	\$75,225
Police Officer 1st grade	\$94,630
Technician	\$100,968
Detective	\$104,193
Corporal	\$104,193
Sergeant	\$113,137
Lieutenant	\$129,751
Captain	\$146,159

27.1.2 Effective January 1, 2022, the annual salary for officers will be as follows:

Police Officer Recruit	\$59,806
Police Officer 4th grade	\$64,750
Police Officer 3rd grade	\$71,666
Police Officer 2nd grade	\$76,730
Police Officer 1st grade	\$96,523
Technician	\$102,987
Detective	\$106,277
Corporal	\$106,277
Sergeant	\$115,400
Lieutenant	\$132,346
Captain	\$149,082

27.1.3 Effective July 1, 2022, the annual salary for officers will be as follows:

Police Officer Recruit	\$60,703
Police Officer 4th grade	\$65,721
Police Officer 3rd grade	\$72,741
Police Officer 2nd grade	\$77,880
Police Officer 1st grade	\$97,970
Technician	\$104,532
Detective	\$107,871
Corporal	\$107,871
Sergeant	\$117,131
Lieutenant	\$134,331
Captain	\$151,318

27.2 LONGEVITY

All officers, upon reaching their fifth (5th) anniversary date of employment, shall be paid longevity pay. Officers entitled to longevity pay shall be paid at the rate of twelve dollars (\$12.00) per month for each year of service. The effective date of longevity pay increases shall be the first Sunday following the officer's anniversary date.

27.3 In 2021, officers assigned to the following assignments shall, in addition to the pay rates above, receive the following:

- 27.3.1 Bomb technician: \$150 per month
- 27.3.2 Motorcycle: \$150 per month for officers certified and assigned as motorcycle officers
- 27.3.3 Helicopter chief pilot: \$525 per month
- 27.3.4 Helicopter pilot: \$375 per month
- 27.3.5 Canine handler: Officers assigned as canine handlers shall receive, in addition to their annual salary, eight (8) hours of compensatory time and eight (8) hours of additional pay per work period.
- 27.3.6 Bilingual officers: Officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief's designee: one hundred dollars (\$100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of \$200 per month in accordance with published standards and procedures.

27.4 SPECIALTY PAY

Effective January 1, 2022, officers assigned to the following assignments shall be paid as follows:

- 27.4.1 Bomb technician:
 - Detectives: 101.72% of annual Detective pay
 - Sergeants: 101.59% of annual Sergeant pay
- 27.4.2 Motorcycle (for officers certified and assigned as motorcycle officers):
 - Police Officers 1st grade: 101.90% of annual Police Officer 1st grade pay
 - Corporals: 101.72% of annual Corporal pay
 - Sergeants: 101.59% of annual Sergeant pay
 - Lieutenants: 101.38% of annual Lieutenant pay
- 27.4.3 Helicopter chief pilot: 106.23% of annual Technician pay
- 27.4.4 Helicopter pilot: 104.45% of annual Technician pay
- 27.4.5 Canine handler: Officers assigned as canine handlers shall

receive eight (8) hours of compensatory time per work period. In addition, officers assigned as canine handlers shall receive:

Technicians: 105% of their annual Technician Base Pay

Corporals: 105% of their annual Corporal Base Pay

27.5 BILINGUAL PAY

In addition to their annual salary, officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief's designee: one hundred dollars (\$100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of \$200 per month in accordance with published standards and procedures.

27.6 ON CALL

Procedures will be established by the Chief to insure officers placed on call will be compensated for all time spent handling phone calls while off duty. Each call will be logged on a log sheet and approved by the officer's commander at the end of every work period. The officer will be compensated at their overtime rate of pay in either time off or overtime pay. If an officer in on call status is called back to work by an authorized supervisor, the officer will no longer be in on call status and will be compensated in accordance with Article 17 of this Agreement.

Article 28

PAY PERIODS

- 28.1 Officers shall be paid on a biweekly basis, on alternating Fridays. Whenever a payday falls on a recognized holiday specified in Article 11, payment of salaries shall be made on the preceding business day.

Article 29

RETIREE HEALTH

- 29.1 Subject to annual appropriation, during each year of this Agreement the City will make annual contributions to the Denver Police Retiree Health Fund (“Trust”) which has been established for the sole purpose of providing some assistance with the payment of health insurance premiums for officers who retire on or after January 1, 1996. Beginning January 1, 2020, the City’s annual contribution shall be \$1,200,000. Quarterly payments to the Trust by the City will be made on January 10, April 10, July 10 and October 10 of each year. Notwithstanding the above, in 2021 the City will only contribute \$840,000 to the Trust. In 2022, the City’s annual contribution to the Trust will return to \$1,200,000.
- 29.2 The Association shall provide the City with financial reports of the Trust on a quarterly basis. The Association shall also notify the City of any changes to the Articles of Incorporation, governing by-laws or terms of administration of the Trust for approval, to ensure that the Trust is being administered consistently with the intended purpose of this Article.

a response in writing to the grievant and Association.

Step 3. If the grievance is not resolved at Step 2, the Association may demand arbitration. Any demand for arbitration must be in writing and received by the official designated by the City within fifteen (15) calendar days of the Association's receipt of the Step 2 denial.

- a. The parties shall obtain a panel of seven Western States Region arbitrators from the Federal Mediation and Conciliation Service. The Grievance Arbitrator shall be selected by a method of alternative striking of names from the panel, with the first strike determined by the flip of a coin. The final name left on the panel shall serve as the Grievance Arbitrator.
- b. The Grievance Arbitrator shall have the authority to hold hearings and make procedural rules.
- c. The award of the Grievance Arbitrator shall be final and binding on the City and the Association. The Grievance Arbitrator shall have no authority to add to, subtract from, alter or modify any terms of this Contract.
- d. The award of the Grievance Arbitrator shall be rendered within thirty (30) calendar days of the closing of hearing or the submission of briefs following hearing, whichever is later. The costs of any arbitration shall be borne equally by the parties to this Contract.
- e. Either party may request a certified court reporter to take a stenographic record of the evidence taken at the arbitration hearing. If such a stenographic record is taken, a copy of the transcript shall be provided to the Grievance Arbitrator. The party requesting a stenographic record shall pay the cost thereof, except that if the other party shall request a copy of any transcript, the parties shall share equally the entire cost of making the stenographic record.

30.5 If the grievant or Association fails to comply with any time limit set forth in this Article, the grievance shall be deemed forfeited. If the City fails to comply with any time limit set forth in this Article, the grievance shall be deemed denied as of the last day of the time limit and may be moved to the next step within the time frames set forth in that step.

- 30.6 The following matters are not subject to the grievance procedures of this Contract: Any matter covered by the Charter of the City and County of Denver, the Rules and Regulations of the Department not inconsistent with the express terms of this Contract, and the Operations Manual of the Department not inconsistent with the express terms of this Contract, the Rules and Regulations of the Civil Service Commission of the City and County of Denver adopted pursuant to its authority, City Ordinances, Statutes and Constitutional provisions.
- 30.7 The time limits for processing grievances as set forth in this Article may be extended by agreement between the Chief or a designee of the Chief and a representative of the Association. Any such agreements shall be memorialized in writing. If the last day of any time limits set forth in this Article occurs on a Saturday, Sunday or holiday, the limit shall be automatically extended to the next calendar day which is not a Saturday, Sunday or holiday.
- 30.8 Any grievance which impacts more than one officer can be filed by the Association directly at Step 2 within fifteen (15) days of when the grievant or the Association knew or should have known the events giving rise to the grievance.

Article 31 SAVINGS CLAUSE

Should any section or portion thereof of this contract be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and the remaining parts or portions of the contract shall remain in full force and effect. Upon the issuance of such a decision, the parties agree immediately to commence negotiations for a substitute for the invalidated section or portion thereof.

Article 32

GENERAL AND DURATION

- 32.1 The Association is not bound by any agreements or understandings that the City might make with any officer(s) or any other organization of officers unless such agreements or understandings are specifically stated in this Contract.
- 32.2 This contract shall be effective as of January 1, 2021 through December 31, 2022 and its terms shall remain in full force and effect until a new contract is effective.

Article 33 PAYMENT ON SEPARATION

Payments due pursuant to the terms of this Agreement for all accrued and unused leave and compensatory time shall be payable within sixty (60) days of an officer's separation from the Department, at the officer's base rate of pay at the time of separation.

Pursuant to City Charter § 9.8.14, the foregoing Agreement consists of the terms agreed to by the City and County of Denver and the Denver Police Protective Association during the 2020 collective bargaining and ensuing impasse arbitration proceedings, and the final and binding Impasse Arbitration Opinion and Award dated December 1, 2020.


DENVER POLICE PROTECTIVE ASSOCIATION

CITY AND COUNTY OF DENVER

By: 

Nick Rogers, President

By: _____
Michael B. Hancock
Mayor

By: 

Tyson Worrell, Secretary

ATTEST:

Paul Lopez, Clerk & Recorder

REGISTERED AND COUNTERSIGNED:

Brendan Hanlon, Chief Financial Officer

Timothy M. O'Brien, Auditor

APPROVED AS TO FORM:

Kristin M. Bronson, City Attorney
City and County of Denver

RECOMMENDED AND APPROVED:

By: _____

Murphy Robinson, Executive Director of Safety

Contract Control Number: SAFTY-202055812-00
Contractor Name: Denver Police Protective Association


IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of: 1/20/2021


SEAL



CITY AND COUNTY OF DENVER:

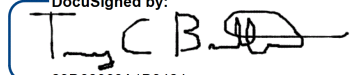
ATTEST:

DocuSigned by:

401385B9DD354C3...
Clerk and Recorder/Public Trustee
Paul Lopez

By: DocuSigned by:

63CED49359814EC...
Mayor
Michael B. Hancock

APPROVED AS TO FORM:


Attorney for the City and County of Denver

By: DocuSigned by:

20D60000A1D0421...
Assistant City Attorney
Troy C. Bratton

REGISTERED AND COUNTERSIGNED:

By: DocuSigned by:

075CC37373E64C1...
Chief Financial officer
Brendan J Hanlon

By: DocuSigned by:

0260604F8B7845B...
Auditor
Timothy M. O'Brien

Contract Control Number:
Contractor Name:

SAFTY-202055812-00
Denver Police Protective Association

By: _____

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)